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## **A Study on Evolution of Forest Acts and Community Forest Management in Middle Hills of Nepal\***

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## 1. Introduction

Deforestation has been a serious problem in the world. Every year a net 9.5 million hectares of forest is cleared from the surface of the Earth (World bank, 2000). This forest clearance is due to the use of forest resources as industrial raw materials and expansion of agricultural land to grow food for ever increasing population. Besides, it has also been used by people living in the rural areas of developing countries as fuelwood, fodder, timber and non-forest products like herbs, fruits. The current rate of deforestation and forest degradation is not only a threat to environmental problems in preserving many plants, animals and insects living in the forests, but also in fulfilling the basic necessities of the rural population in developing countries. Thus, environment conservation and the preservation of forest have been considered a global issue.

With the pace of development, the technique of forest management has been developed on the basis of its importance in industrial use and the production of wood has become the highest priority. European and American countries started off with the same approach bringing all the forest areas under government control for income generation. South and Southeast Asian countries have also influenced from the Western concept and brought forest areas under government control in the 19th and early 20th centuries (Poffenberger, 2000). However, the condition in Asia is different since most of the people depend on forest resources for their living, instead of using it for countries' economy via industries. Thus, in the last three decades, perspectives of the role of forest have dramatically changed from a relatively narrow view of wood production to the present view reflecting a wider range from present and future needs of various users as well as for environment and nature conservation (Westoby, 1987; Griffin, 1988; Malla, 1994; and Zorn, 1998).

For rural people in developing countries, forest management has become a subject of discussion and in 1970s the term 'Social forestry' was coined concerning forest for people. The foresters of Nepal showed concern about the management of forest by the people due to the failure of forest management by government's effort. This group later coined the term 'Community forestry' in order to let the people participate in forest management similar to that of the traditional system (Hobley, 1996).

Forest act formulated in 1961, after the implementation of Private Forest Nationalization Act in 1957, has been criticized for the accelerating deforestation resulting in the necessity of adoption of 'decentralization' and 'devolution' concept. This encouraged local forest users to involve themselves in forest manage-

ment. Therefore management of forest remained no longer the responsibility of government alone and the increasing number of user groups show that the people can also participate in forest management as well as conservation. Figure 1.1 shows the evolution of community forest management system after changes in the forest act incorporating the participation of real users of forest resources.

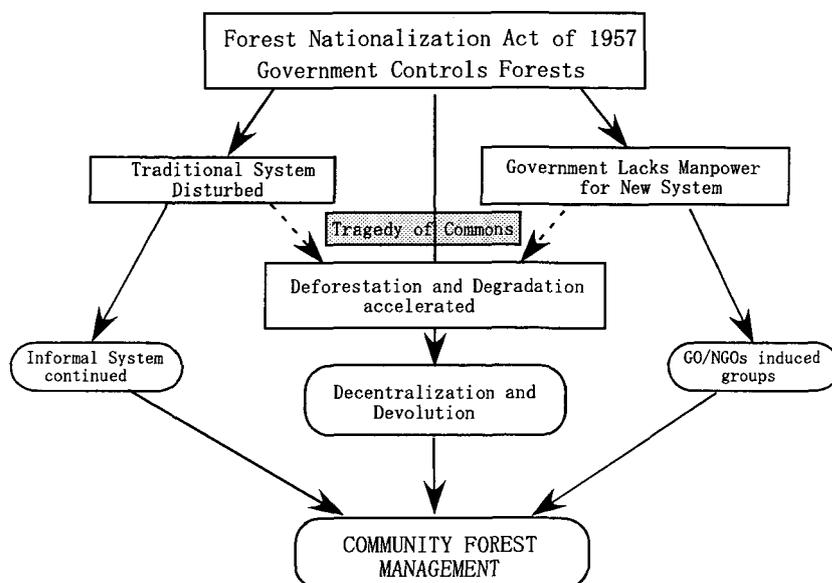


Figure 1.1 Evolution of Community Forest Management system in Nepal

Later, a new Forest Act was formulated in 1993 to incorporate community forestry policy and the user group rules in 1995 to legalize the indigenous or newly formed user groups for officially handing over of forest for their management.

This community forestry has been reported to be successful programme for forest management in Nepal and gained worldwide popularity. The community forestry system considered to be effective as

- it can combat the process of deforestation and forest degradation;
- the local people can manage forest with the formation of their own rules and regulations;
- start local institutions; and
- move ahead with the involvement in local community development activities.

The implementation of community forestry programme was made possible only with the changes in policies to incorporate the need of people as well as international influence. Forest acts are being implemented rationally in line with these policies at the field level. However, there remained gap between the centrally designed macro policies to that of the implementation at the micro level

(Hobley, 1996; Maharjan, 1998; Manandhar, 1998; and Malla, 2000). If the national policy goals are to be achieved, it is imperative that the programmes are effectively and efficiently implemented. It is equally important that for framing broad-based macro policies, the ground realities should be taken into consideration. It is in this context that the present study has been designed to probe whether the forestry programmes being launched at the field level are in line with the national policies. It is important to understand the specific changes in the forest act and the provisions that enable people to participate in the programme. Thus, this study aims to have a better understanding on the dynamics of forest acts over time including the trends related to the implementation of community forest management programme in the villages.

### 1.1 Study Objectives

Community forestry programme, with its significance and implications has been a subject for a considerable period of time. Most of the studies focused on local participation and institutional aspects taking the examples from areas with donor-assisted community forestry projects. Altogether 20 districts were covered by bilateral donor projects with community forestry programme and the rest operate through the existing government structure. This study focuses the community forest management in those areas where the programme was launched only through government structure.

The main objective of the research is to examine forest policy, Acts and Regulations so far enforced in the country, the impact on forest management and use with respect to community forestry programme and evolution of concerned institutions.

The specific objectives of the study are

- 1) to study the forest acts involved in the transfer of forest management responsibility from the government to the user groups;
- 2) to find out the current status of community forestry programme in the country;
- 3) to analyse the trends in implementation of community forestry programme with the community forestry user groups.

### 1.2 Literatures Review on Deforestation and Community Forest Management

This section contains a review and discussion of the relevant studies on deforestation and community forest management policy and the implementation of community forestry programme in the country.

Deforestation in the Himalayas was first highlighted by the publication of the *Other energy crisis* (Eckholm, 1975) in the developing world causing natural hazards like landslides and flood. World Bank (1978) also reiterated the report and forecasted that forests in the Mid Hills of Nepal would be completely depleted by early 1990s, if the then pace of deforestation continued. The deforesta-

tion in Nepal was reported to be due to over exploitation of forest resources by the rural people for their use. The researchers had developed Himalayan environmental degradation theory, which highlighted the soil erosion causing flood and landslides (Eckholm, 1975 and 1976; and World Bank 1978). However, others emphasized that deforestation was not because of the forest resources use but because of the demand for agricultural land to grow food for the increasing population (Bajracharya, 1983; and Mahat et al, 1986). Thompson and Warburton (1985) also emphasized that the issue of deforestation was exaggerated and magnified resulting in misinterpretation. They brought examples of forest regeneration in the 1970s as compared to the situation in 1950s when there were no forest trees seen as in Khumbu area.

On the other hand, Ives and Messerli (1989) strongly opposed the theory presented earlier regarding deforestation that the Himalayan crisis as stated had a great deal of problem associated with uncertainty. In a country like Nepal with vast topographical diversity, it would not be appropriate to generalize from a condition of just one place. People living in the hills were not so ignorant as was reported and blamed for deforestation in their area. Gurung's (1988) study in Kakani area demonstrated the ingenuity of the people in adaptation through changes in land use including managing forest. They also took great initiatives to combat deforestation. One way was by planting trees in their farmland resulting in increase of tree cover in the private lands (Gilmour, 1988).

In general, deforestation process appeared to be more prominent in the Tarai region of Nepal than in the hills where the indigenous practice of management exists (Gilmour and Fisher, 1991). The vast area of forest in Tarai once known as the 'Wealth of Nation' suffered from the government's program of resettlement by clearing the forest area. Studies agreed that deforestation has occurred in the Tarai region while in the hills, forest degradation is common rather than deforestation (Chalise et al., 1993; Soussan et al., 1995; and Karan and Ishii, 1996).

The deforestation debate led the study whether there exist indigenous forest management while government tries to manage by its own resources with policy changes. Forest in different parts of the country was found managed by the local people following their traditional management system. Evidences of such management have been highlighted by Gilmour and Fisher (1991) in Kavre Palanchowk, Sindhu Palchowk; Gautam (1991) in Rasuwa, Nuwakot, and Chhetri and Pandey (1992) in the far western Achham and Baitadi districts. Forest management by local people focused on utilization of forest products for daily necessary materials and not for commercial purposes. However, it was difficult to get information easily due to lack of written materials as Nepal bears oral culture.

The study of indigenous forest and natural resources management showed less damaged forest areas under local management compared to those where the government interfered in management. Realizing the importance of local peoples' involvement in forest management as they depend the most, community forestry

concept has evolved and adopted.

The involvement of local people in the management of forest has been termed differently by different people, such as, social forestry, community forestry, people's forestry, joint forestry, and village forestry. Social forestry is often used interchangeably with the 'farm forestry and 'forestry for community development' as in FAO publications. The concept of community forestry differs from that of conventional forestry in the sense that the former involves local people not only in plantation but also manage and utilize for their need while conventional forestry focuses more on production of commercial forest products. The social forestry has emerged as one of the latest concept in various participatory approaches to rural development that has gained more recognition in the management of forests particularly in the developing countries where use of forest products by local people for domestic purposes is more prevalent (Okamura, 1986).

In the context of Nepal, 'community forestry' is defined as the control and management of forest resources by the people who use them for their domestic purposes and as an integral part of subsistence and peasant farming systems (Gilmour and Fisher, 1991; and Maharjan, 1998). The Community and Private Forestry Division defined 'community forestry' as management of forests by the local people who depend on them for fulfilling the basic needs of fuelwood, fodder, timber and leaf litter. In the present situation, community forestry is the management of local forests by the rural communities as user groups, which are entrusted with management and utilization of the forests, handed over to them (HMG/MPFS, 1988).

In general the objective of community forestry programmes is to enhance the socio-economic condition of people who depend on forests for their livelihood. However, the specific objective may differ at different places. For example in Malaysia, it is more towards the creation of greater awareness upon the public on the importance of multiple values of the forest (Haron, 1988) while in Indonesia it is more for preventing environmental degradation and to improve environmental conditions by curtailing destructive activities in the forestland (Nasendi, 1990).

Although the policy intended to involve all the users of forest, various studies reported that the extent of participation of women and marginal, lower caste people was low (Kobayashi, 1998; Lamichhane et al, 2000; and Malla, 2000). On the other hand there are some user groups entirely of the women as in Gorkha district (Acharya, 1993). Why is there participation of some groups and not others? Studies found that the formation and participation of people in forest management depends upon the degree of scarcity of resources (Rayamajhi and Pokharel, 1998) and social factors (Joshi, 1995). The other thing in the participation is also due to the personal benefit so as to get the necessary materials like fuelwood, fodder, leaf litter and wood for timber. However, when there is no equal benefit,

conflict among the users may occur. Shrestha (1996) gave an overview of the conflicts in community forestry categorizing them in three main levels, such as, i) conflicts within a user group, ii) conflicts between user groups and iii) conflicts between user groups and the forest division or forest department. Conflicts within a user group arise mainly on the identification of users to be included and benefit sharing from the forest. While conflicts between user groups are mainly on boundary of forest lying within more than one VDC. The third level of conflict is between the user groups and forest department causing more impact than the above two levels because there were conflicts in the policy and operational plan, deviations in the plan itself or unclear policy.

## **2. Method and Country Background**

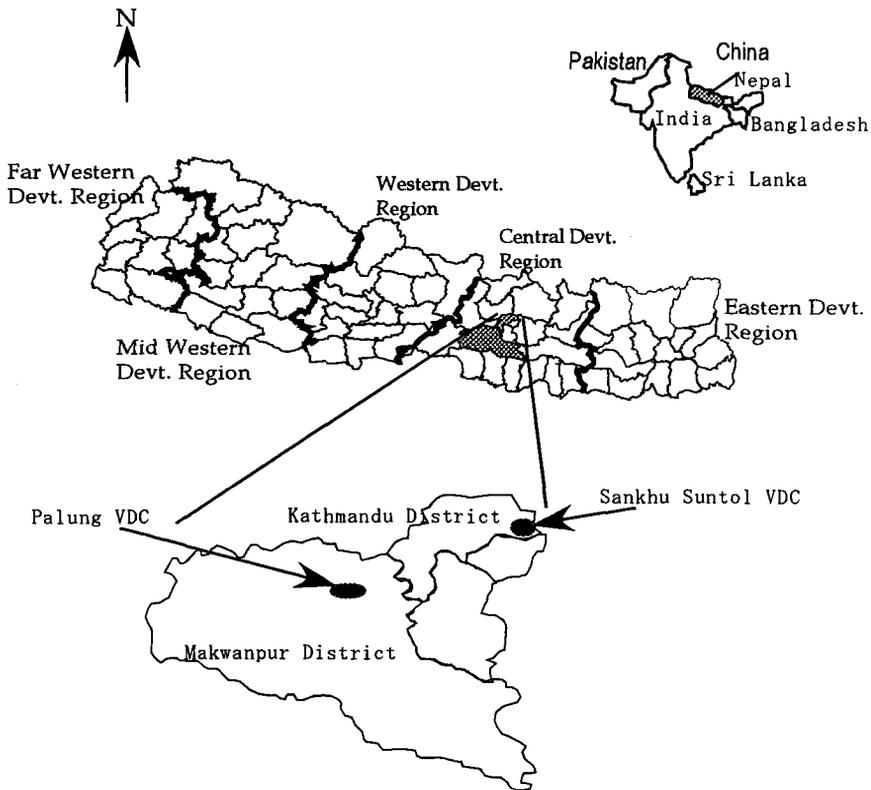
### **2.1 Method**

The study is divided into two parts; the first part deals with contents of the forest acts. The second part focuses mainly on the implementation of community forestry programme in the field. The study of forest acts was carried out with extensive desk study by the collection of published materials from concerned agencies. The materials on forest acts published in the Nepali language have been translated and presented wherever necessary. Information on the second part was generated by fieldwork.

The study focused on the implementation of community forestry programme in the villages under government's own initiative and no direct presence of donors or bilateral projects. Government however, has financial and technical assistance initially from World Bank then DANIDA's NRMSAP (Natural Resources Management Sector Assistance Programme) for community forestry programme implementation since a major part of the annual budget depends on foreign loan or grants. The difference between government programme and donor assisted bilateral projects is that the bilateral project areas are supported with additional fund and staff not only for community forest management but also for other community development activities focusing on the participation of women and poor marginal people.

Two villages, Sankhu Suntol VDC from Kathmandu district and Palung VDC from Makwanpur district were selected for the study of community forestry implementation in the field (Figure 2.1). Suntol village is situated closer to the city and highly damaged forest condition. Palung village from Makwanpur district is away from the city with less damaged forest condition. Quadrante survey was conducted to find the basic forest condition of the villages.

The study is based on the primary as well as secondary sources of information. The primary information from field was collected with the help of questionnaire survey carried out in parts from December 1998 to September 1999. The secondary information on the villages was obtained from the village offices as



**Figure 2.1** Location of study areas, Sankhu Suntol VDC, Kathmandu District and Palung VDC, Makwanpur District

well as the forestry Ranger offices. Informal interviews were also carried out with the persons from the village met on the way to gain their view and knowledge on community forestry. Besides, group discussion with the user group committee/members were also held to obtain information on how and when they got involved in forest management as well as to obtain the records and current trends.

## 2.2 Country Background

Located in between two big Asian countries, China in the north and India in the east, south and west, Nepal occupies a total land area of 147,181 sq. km. It extends from 26° 22' to 30° 27' N latitude and 80° 04' to 88° 12' E longitude giving roughly a rectangular in shape. The length from east to west is about 885 km while it is only 193 km from north to south on an average. Administratively the country is divided into 5 development regions and 75 districts. There are 3,912 VDCs and 58 town or Municipalities as the lowest unit in the administrative structure.

### 2.2.1 Physiographic zones

Location of the country gives a peculiar topography having a major portion situated in the Himalayas with a small portion in the south forming the extension of Gangetic plains from India. It can be divided into five horizontal zones in parallel from south to north, like *Tarai*, the plain in south (60-300m), *Siwalik Hills* (300-1,000m), *Middle Mountain* or Middle Hills (1,000-2,000m), *High Mountains* (2,000-4,000m) and *High Himal* (above 4,000m) comprising 14, 13, 30, 19 and 23 percent of total land of the country respectively (Figure 2.2). Nepal lies at the sub-tropical monsoon climate zone. The sharp increase in its altitude gives all the different climatic conditions of the world from sub-tropical in the Tarai region to Alpine in the High Himal region. Besides the four distinct seasons, a period from mid-June to mid-September is rainy season when most of the annual rainfall occurs. The average annual rainfall ranges from 250mm in Mustang northern part of western region to 4,500mm in Kaski also in the western region.

Population of Nepal estimated to be about 23 million according to the Central Bureau of Statistics (HMG/CBS, 1999) based on the 1991 census. The annual growth rate was estimated to be 2.3 percent for 1999 and the Central region has the highest population density of 225.6 persons/sq km followed by Eastern region with 156.3 persons/sq km. The Far Western region has the least population density of 89.4 persons/sq km. It is a multi-ethnic, multi-language and multi-cultural country. Gurung (1996) reported that there are 55 ethnic and caste groups and most of the ethnic people live in the Hills while the caste people live in the

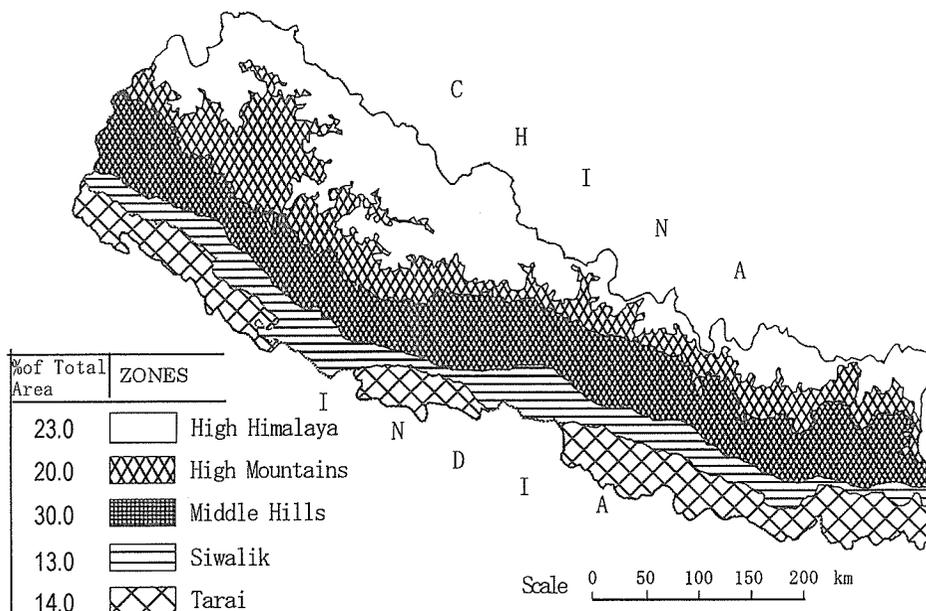


Figure 2.2 Physiographic Map of Nepal

lower Tarai plains.

### 2.2.2 Land use and Forest cover

The major land use pattern in Nepal can be categorized into four. Table 2.1 shows that 29.0 percent of land covered by forest and 27.0 percent by agricultural land including non-agricultural inclusions. Agriculture is the main occupation of the people in the country where 81 percent of the total population depends (Karan and Ishii, 1996) and only 20.0 percent of land is cultivated (SoE, 2001).

**Table 2.1** Land Use Categories in Nepal

Land Category	Area in '000 ha	% of total land
Forest cover	4,269	29
Cultivated land	2,968	20
Non-cultivated inclusions	998	7
Grassland	1,745	12
Shrub land	1,559	11
Others	3,179	22
Total	14,718	100

Source: State of the Environment, Nepal, 2001

Of the total forestland, one third is in the mountain region and only 35 percent in the hill region. In Nepal, all the land, which is not privately owned, comes under the jurisdiction of Department of Forests and considered as forestland. The major forest types in Nepal are tropical, sub-tropical, warm temperate, cool temperate, sub-alpine and alpine.

The exact figure of forest resources for Nepal has been reported differently by different agencies depending on various methods applied during the study. The first information based on aerial photographs of 1953 to 1967 shows 45 percent forest cover conducted by Forest Resources Survey Office (Soussan et al, 1995). Master Plan for forest Sector gave 37.4 percent while the Ninth Development Plan noted 29 percent excluding shrub area. However the recent data on forest cover shows 34 percent according to the World Bank Atlas 2000 with the annual deforestation rate of 1.1 percent for the period 1990-1995.

Although the data show varied information, it is clear that the forest cover has decreased from about 45 percent in 1960s to nearly 35 percent in 2000. Various attempts have been undertaken by the government as well as donor agencies to recover forest area in the country. Changes in policy relating to forest are important as it affect greatly in the management of forest.

### 3. Evolution of Forest Acts and Plans

This chapter contains a review of the evolution of Forest Acts which has been described along the historical phases based on political system. They are: i) from 1950-1960, the beginning of democratic phase, centralization in forest

management; ii) from 1960–1990, the Partyless Panchayat system; and iii) from 1990 onwards, restoration of democratic phase, community forestry programme implemented.

The history of forest use and trees in Nepal shows that the importance of forest was realized as early as 1600s during the period of Ram Shah (1606–1636). The then legal code mentioned about the prohibition of cutting trees at the foot trails and water sources and a fine is imposed in case of offence (Gautam, 1993). Forest management system had a close relationship with the land ownership system. In the past, all the land was belonged to the State as *raiker* a form of private ownership (of state) but treated as a source of income for the country by renting out to the peasants to be utilized for food production. In return, people required to pay tax revenue to the state almost half of the production which was barely enough for their subsistence. In such case, people took the benefit of the land grant systems; *jagir* (land grant in place of the service rendered to the state, can retain till in service) or *birta* (land grant also in place of service but could be retained even after service, inherit until confiscated) and both *jagir* and *birta* land were tax exempted (Mahat et al, 1986). Jagir and birta land grants were employed from the period of King Prithvi Narayan Shah, the founder of modern Nepal, aiming to encourage people to work for the state.

The country was under the feudal government of Rana regime (1846 to 1950), which also followed the jagir and birta land grant system. It was said that birta system of land tenure was much more than before and the most benefited persons were their family members and almost 75 percent of the birta belonged to them. They also introduced a system of tax exemption for 3 years in the Hills and 5 years in the Tarai during the initial clearance of forest for production (Mahat et al, 1986; and Malla, 1994).

In view of forest management, Nepal invited foreign experts for technical advice mainly for tree felling for timber to be exported to India as one of the major income sources for the rulers. J. V. Collier was the first British expert in 1927. He emphasized the importance of at least one-third of forest for cultivation. He also emphasized the importance of forest for people for their daily use, and later also prepared a plan termed as basic needs fulfilment. Smythies, another expert, visited ten years after Collier managed to establish autonomous Forest Service to manage Tarai forest. A number of forest plans were prepared for Chitwan and Parsa districts but none were implemented. During his period, Forest Department with 3 regional and 12 Divisional Offices under it was established (NFP, 1976).

### **3.1 The Beginning of Democratic phase; From 1950–1960**

The country was opened for outside world after the collapse of the feudal Rana government in 1950 and the Shah Kingship was restored as constitutional monarch. The ten-year period remained an experimental phase for the democ-

racy. By that time almost all potential forest areas were converted and the land tax was no longer potential for income generation. Thus, government introduced a new approach, which was to control the forest products to be sold to India.

### **3.1.1 Private Forest Nationalization Act of 1957**

During this period an important Act known as the Private Forest Nationalization was enacted. The aim of this act was to control the national property since forest being the main source of income. This move helped to recover land granted to individuals, 75 percent of them from the ruling Rana family (Hobley and Malla, 1996). The democratic government was destined to put an end to feudal land tenure with the Private Forest Nationalization Act and utilize forestland for income to the country.

This Private Forest Nationalization Act (1957), the first policy on forest composed of 7 Clauses with Sub-clauses (Translated version in Annex-1) emphasized -

"forest being an important national property, the forest act was formulated realizing the need to nationalize the private forest to prevent from damage and to better conserve, manage and utilize forest for the sake of people and the country".

Demarcation of forest and people owned land became the top priority after nationalization for which the Clause 2 defined the private forest as those areas uncultivated and bare land within forest area having ownership maintained by people by any means of freeing the state revenue. The act also made it clear that no compensation is provided for such land as mentioned in the following clauses

3 (1).. the ownership of private forests existing in the country will be transferred to government.

3 (2).. any act, questions or any written document mentioning the right of ownership by individuals will be abolished.

3 (3).. the act existed for government forest will also be applied to the forest of which ownership is transferred to government as per the Clause 3 (1).

5.. no one may claim the damage for the loss of ownership of the private forest after the implementation of this Act.

This act proclaimed that all the laws, and orders, and documents providing sole rights to individuals in such forests, should be inoperative and no one might claim any loss or any compensation for the confiscated forests with the implementation of this act. The same condition was applied when finally the birta holdings were abolished in 1959.

Regarding Private Forest, the act left a room for people to keep private forest to a limited size with some trees as a small forest. The Clause 2 Sub-clause 1 mentioned about this as;

2 (1) ii.. if somebody had grown trees with his/her effort, such land up to 25 ropani (1.25 ha) in the valley (Kathmandu) or hilly region and up to 5 bigha (3.25ha) in Tarai, such trees are not considered as forest.

To retain the ownership as private forest or garden, one required to register with the government within 35 days of Act enforcement. In a country like Nepal where communication system was so poor and primitive, such notice could pass

unnoticed. Registration of such land could only be done when a team from Land Measurement section visited villages for land mapping work. The team was given full administrative authority for registration as per their judgment.

## 3.2 Panchayat Phase; From 1960 to 1990

### 3.2.1 Forest Act of 1961

The democratic government resumed in 1950 did not remain longer as the king took power to start partyless Panchayat democratic system in 1960. The Forest Act of 1961 was enacted with the main focus on demarcating forestland brought under State's control with the Private Forest Nationalization Act of 1957. Therefore, a major task remained for government was to demarcate the forestland from agricultural and people owned land. The chapters 1 to 4 out of the total 10 chapters (62 Clauses) of the Act took up the process of demarcation as shown in Table 3.1. The original text in translated version is attached in Annex-2.

Under this Act, it became strictly forbidden to enter the forest and extract forest products such as wood, charcoal, clay, rocks, plant extracts (oil, rosin), bark and plants like khayer (*Acacia catechu*) pipila-pipli (*Piper longum*), the mahuwa (*Bassia longifolia*), chiraito (*Swertia chiraito*) defined in Chapter 1 Clause 2.

Chapter 2 focused on the process of demarcation that the staff should affix a notice to check if the land acquired belonged to somebody else. Compensation is arranged only to such land located within or near the forest area without which conservation of forest area is not possible or if the land was damaged during demarcation. The amount for compensation was decided with the help of a committee formed upon the receipt of an application from the landowner, Clause 5(1).

The land acquisition criterion is different to that of previous act that one was supposed to submit his/her claim over the land for compensation within 10 days. A committee composed of the Chief District Officer, District Judge and the District Forest Officer, will be formed to decide the compensation after necessary investigation. If the person was not found satisfied with the amount provided for

**Table 3.1** Content of the Forest Act of 1961

Chapter 1	Preliminary	Clause 1 - 2
Chapter 2	Demarcation of Government forests	Clause 3 - 20
Chapter 3	General arrangement related to govt. forest	Clause 21 - 26
Chapter 4	Offence related to Govt. forest	Clause 27 - 28
Chapter 5	Panchayat forest	Clause 29 - 32
Chapter 6	Private forest	Clause 33 - 39
Chapter 7	Management for exports or transport of wood	Clause 40 - 43
Chapter 8	Collection of unclaimed or stray timbers	Clause 44 - 47
Chapter 9	Investigation of offences & other procedures	Clause 48 - 58
Chapter 10	Miscellaneous	Clause 59 - 62

compensation, he can report to the committee, and the decision of the committee is final.

Chapter 3 deals the arrangement regarding the rights and rules on the government forest.

21.. no person shall have any right or facility of any kind in the government forest unless any right or facility is obtained through lease or permit or in any other way from His Majesty's Government or authorized by HMG.

22 (1).. nobody may register or clear any land around any forest area or any unregistered land, or land with no boundary in the government forest area for the purpose of cultivating except otherwise ordered by HMG for the plan of settlement.

23.. for the purpose of developing and conserving forest, HMG or the authorized body may close any private or public path or river within government forest.

26.. HMG have power to make rules for following arrangement- appoint officer and decide conditions for sales and distribution of trees, wood or any other forest product from government forest; - appoint government officer and make conditions and charge for providing tree, wood, etc. to the public use from the government forest; - conditions and charges, etc., for allowing grazing of the quadruped in the government forest.

These rules prohibit people to enter into the government forest, and considered offence with punishments if anybody enters without permission. The specific rules of don't do in the government forest composed the Chapter 4. Table 3.2 gives the list of offences under Clause 27 Sub-clauses (1) and (2) combined regarding prohibited actions and punishments.

Although the act mentions that it is desirable to protect forests and make proper arrangement in respect to economic welfare of the public, Clause 26 gave power to the officers to sell forest products to public for their daily needs. It was not considered attractive arrangement for the public who were getting their requirements for free by then.

**Table 3.2** Prohibited Actions and Punishments

Prohibited actions according to Clause 27 sub clauses (1) and (2)	Fine and/or term
1) fresh forest clearance for ploughing or cultivation or some other purposes	Rs.<500 and/or max. 6 months
2) setting fire, or leaving or carrying fires in the forest in such a manner that fires may spread	Rs.25 of acc. to damage or 1 year
3) grazing cattle, or making them enter or letting them loose	Rs.0.5 to 5
4) carelessly causing any kind of damage when cutting, felling, dragging, or exporting trees	<Rs.10 or acc. to damage
5) cutting or clipping trees or plants, or cutting their branches, or stripping their bark or causing any kind of damage to them	acc. to damage if > Rs. 100 and/or 6 months
6) taking out stones, manufacturing charcoal or lime or other products from them or collecting them	same as above
7) taking away forest products from state forests	same as above
8) cutting of trees to which one has no right	same as above

Adopted from Graner, 1997

(US\$1=Rs.70)

Chapter 5 deals with the provision of Panchayat forest, which gave the officers the power to separate and hand over any forest at any place for public use. This point was said to be the basis of community forestry (Graner, 1997), however no such information regarding the Panchayat forest of that period as it was not supported by the Regulation. Clause 29 gives direction to hand over as well as recover forest area if the officers feel reasonable, such as

29 (1).. His Majesty's Government (HMG) has power to provide its forest or any part to be utilized as prescribed to any Village Panchayat for the benefit of the community

(2).. HMG if thought reasonable can recover the control over such handed over land pursuant to sub-clause (1) by cancelling all the rights given to the Village Panchayat.

Clause 30 states that the local authority has power to handle offence of up to Rs.100 equivalent and can make the rules for forest management including plantation and charges for wood/materials sale while all the decisions were taken in the centre. No local people were involved when deciding the charge for wood or other forest products sale to the local people. The authority however, cannot use the handed over land for other purpose, for personal benefit since the ownership retains with the government and only the use right was provided.

Regarding private forest, this act provides more time (six months) for registration as against the previous nationalization act (only 35 days) as mentioned in the Clause:

33 (2).. any person already had private forest under the previous act should register within the period of 6 months of the implementation of this act.

(3).. but if failed to register the private forest pursuant to Sub-clause (1) or (2), the person will be excluded from the right and facility provided under this chapter. However, trees planted for fencing private land or fruit trees, other species are not affected by this law so far.

(4).. if trees are planted under Sub-clause (1), (2) or (3), the owner can do or use them as s/he wished.

Trees owned by individuals from their private forest areas could be utilized as they wished but required to submit written information to the District Forest Office. Later it was changed that one should get the approval from the officers before cutting or transporting.

35.. if any person want to sale the private forest or any products from the private forest or leave the right over the private forest in any way, s/he should give a written information to the forest officer at least the Ranger level. No charge had to be paid to give such notice and no charge was overlaid for the sales or no permission required to leave the right by any other way.

### **3.2.2 Forest Protection (Special arrangement) Act of 1967**

The achievement in forest management after nearly a decade of forest nationalization remained poor. So, the government formulated a separate policy to control and protect under Forest Protection Special Arrangement Act in 1967. This Act stated that there is a need of forest protection for the economic benefit to the country as well as people and their morality (translated version in Annex-3). This forest protection special arrangement Act gave more power to the officers and they could search houses of local people on suspicion of offence and

also could use gun to shoot the offender at the legs below knee. The Forest acts of 1961 as well as Special arrangement act of 1967 considered the activities to remove or attempt to remove forest products as a crime. The prohibited actions were an attempt to remove forest products like making the tree dry up by removing bark, or cut part of tree for extract collection, or set forest on fire, etc. If such actions were committed, the offender could be imprisoned for up to one month or penalty of Rs.500.00 to 2,000.00 higher to that of the Forest Act 1961. However, the act gave freedom to the people to collect forest products not exceeding the value of Rs.50.

In order to encourage people in reporting the offence, a system to provide award was arranged which encouraged the officers to find the offenders and punish. On the contrary, if the officer himself is involved in helping the offender flee, he will get 2 years imprisonment as punishment. The forest products are confiscated when captured will be auctioned. This was the most protection oriented strategy enforced to control forest resources and was criticized as the 'policeman act' which gave threat to local users for their own use but was not able to check the damaged caused by exploitation of some group.

### **3.2.3 Forest Plan of 1976**

The economic development plan emphasized the use of forest for economic benefit and gave importance to forest development by protection and plantation as mentioned in the 5th National Development Plan. It aimed to fulfil the needs of local people with its forest development plan while the 6th Plan emphasized the importance of forest products to the public and conservation of natural resources to prevent natural disasters and also get more benefit from export of forest products, processed or semi-processed products.

The points raised in the 5th and 6th Development Plans indicate that there has been a change in attitude regarding forest management from protection oriented to people oriented. The formulation of the National Forest Plan of 1976 was the first step to incorporate the local participation. This Plan thus showed the government's intentions in the use and management of forest resource in the country. This led to the revision on the Forest Act, which brought change in the handing over of forest as Panchayat Protected Forest (PPF), Religious and Leasehold including the previous single category of Panchayat Forest. The major statements<sup>2</sup> made in the Plan provide guideline for the followings;

- 1) to obtain maximum contributions from the country's forest by: a) controlling flood, landslides and erosion damages as well as maintain ecological balance, b) making the country self-sufficient in the basic forest products such as timber and fuel, c) mobilizing the forest resource for sustained economic growth, and d) preserving wildlife and forest vegetation in important natural areas.
- 2) to relate forest with other land use by: a) reserving them in co-ordination with agriculture,

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<sup>2</sup> NFP, 1976 translated version published by Nepal-Australia Forestry Project as Technical Note 1/1982

settlement, pasture and other land use categories, and b) re-establishing new forests in abandoned cultivation, barren land, river banks, etc.

3) to define forest according to ownership as: a) Government forests, b) Panchayat Forests and Panchayat Protected Forests, c) Private forests, d) Leasehold forests, and e) Temple/ Religious forests.

4) to introduce a system of forest management in the country on the basis of the geographic characteristics, social priority and multiple use as well as the direct and indirect benefits.

5) to strengthen wildlife management through the establishment of National Parks and wildlife reserves, legal protection of the threatened species and controlled hunting of others, and through study and research, as well as publicity of educational scientific and cultural values of wildlife.

6) to support animal husbandry by controlled grazing in the suitable forest areas in addition to providing grass and fodder.

7) to publicize the impact of forestry on national development.

8) to promote forest based industries by providing assistance to the interested entrepreneurs, incentives for exporting semi-finished and finished products instead of raw material, and by availing the raw material under a competitive rather than monopolistic condition.

9) to conduct regular survey and inventory for assessing supply potentials, as well as to conduct research on various aspects of forest protection, production, and utilization.

10) to educate Nepalese scholars in foreign countries for pre-service graduate level until the Institute of Forestry (IOF) at Tribhuvan University is developed and to send the District Forest staff to foreign countries for higher degrees and specialization.

11) to adapt labour intensive methods in forest management and utilization in order to generate employment and income opportunities for the local people.

12) to introduce scientific organization and management in forestry by integrating DFO's authority with responsibility and by coordinating the various hierarchical levels in addition to extending forestry organization all over the country.

13) to muster public co-operation and participation in the use and management of forests.

14) to incorporate economic perspective in forestry by considering not only revenues but also other socio-economic impacts; to allocate increased governmental resources in forestry in order to compensate for little or negligible private investment; to operate all commercially viable projects in the sector under a revolving fund; and to finance economically sound projects in forestry through loans from existing financial institutions or a special fund to be established for the development of forests and forest industries.

This plan covered aspects of forestry development with an emphasis of forest management according to geographical regions of the country focusing on '3P' principle that is 'protection, production and proper utilization' (NFP, 1976). It emphasized the need to separate plans for forest management in the hilly areas for protection while in the Tarai region mainly for production forest to produce the required materials for the whole country. It also pointed out various activities to be undertaken including demarcation of government forest boundary and frequent inspection of the boundary to protect from encroachment. It predicted that it would take about 10 to 15 years for the completion of the forest demarca-

tion based on the time taken until then. Being renewable natural resources, forest can provide sustained economic and social contribution for development. The seedling nursery development and afforestation programmes at the potential areas were emphasized along with the plans for development of timber and fuelwood.

Involvement of local people in the forest conservation was realized and the issue was incorporated in the Sixth Development Plan (1980/81–1984/85). The amendment in the Act made it possible to involve local people and communities for conservation and management of forests. According to Graner (1997), the statements made in the 5th and 6th Development Plans were remarkable because the later plans became utilization oriented from strictly protection oriented. The plan divided forest areas into four major regions for management, specifically, (i) the Tarai-Bhabar region, managed as production forest by improving the existing forest as well as planting and protecting the Churia hills for the control of soil erosion and landslide as well as flood damage to the plains, (ii) Inner-Tarai and Dun region, for protection and conservation of natural forest in the slopes and farming in the fertile dun, (iii) Mid Hill region to protect from erosion and landslide by conserving the existing forest area and plantation on bare land for creating more employment in the processing of non-timber forest products (herbs, resin and turpentine) and support agriculture with leaf litter for compost making, and (iv) The Himalayan region, protected mainly for the natural beauty and ecological balance with soil and water conservation.

In short, this plan pointed out the importance of forestry development for people's need of fuelwood and manage forest for fuelwood in the Hills, Tarai, and fuelwood production for valley and Tarai urban areas including industrial purposes. Priority was given to the hills for protection and forestry development since it covers two third of the whole population of Nepal.

### **3.2.4 First Amendment of Forest Act in 1977 and PF, PPF Rules of 1978**

Based on the National Forest Plan, this Forest Act introduced four types of forests viz, the Panchayat forest (PF), Panchayat Protected Forest (PPF), Religious and Leasehold forests instead of the previous single category of Panchayat Forest (Clauses 29 to 32 of Chapter 5). The Rules for Panchayat Forest (PF) and Panchayat Protected Forest (PPF) of 1978 empowered government to hand over part of the national forest area to the local people for management by them. The process of handing over of Panchayat Forest and Panchayat Protected Forest, the Village Panchayats require to submit application to the forest conservator via the DFO (Annex-4 and 5). The conservator forwards the application to DFO with its recommendation with instruction to hand over after necessary investigation from its side.

The difference in between these two PF and PPF was only in terms of sharing the income accrued from the forest with the government and the condition of the forest area before handing over, mentioned as follows;

3 (1).. for the purpose of protecting and properly managing any government forest or part thereof, ordinarily 400 bighas<sup>3</sup> (264ha) in the Tarai, and 10,000 ropanis<sup>4</sup> (510ha) elsewhere shall be determined as Panchayat protected forest for every Village Panchayat<sup>5</sup>.

(2).. Panchayat protected forest may be handed over to the local Panchayat in one lot or in different lots within the limits prescribed in the sub-rule (1). Provided that such local Panchayat shall not be given additional lots unless it has made arrangements for the proper protection and management of the previous lots.

In case of Panchayat forest, condition of forest mentioned in the Rule was; 3 (1).. for Panchayat forest.. for the purpose of developing forests through reforestation of any government forest or any part thereof, which has been rendered waste, or in which only stray trees are left, and a maximum of 200 bighas (132ha) in the Tarai region, or 2,500 ropanis (128ha) elsewhere in each Village Panchayat, shall be maintained as Panchayat Forest.

The difference of PF and PPF in benefit sharing with the government is that PF required sharing 50 percent of income to government while PPF share only 25 percent of income from the forest. The remaining 50 percent from PF and 75 percent from PPF can be utilized in the development of Village Panchayat along with a part for forest development. The provision made in the Rules was in fact not attractive for the people involved in management. It was a top down approach and thus no participation of local people during the rule formulation. Since there is no direct benefit to the household from the forest management, the achievement was not high. A total of 36,276 ha forestland in 29 districts was handed over to the village Panchayats as PF and PPF (Karmacharya, 1987). According to the rule, the application for handing over of forest to the local authority should have accompanied the management plan but only 5,977ha was found to have the plan (Fisher and Gilmour, 1999). This poor rate of handing over and much less management plans was due to the fact that the users of the respective forest were not trusted to be involved in the management instead and elected village council was considered as local users group who are not necessarily the direct users.

In case of **private forest**, no change was seen, but the second amendment of 1978 made some clarification on the use of trees based on the category of private land. Trees grown by individuals on their own land or as fence can be utilized as they wished except for the land under government's resettlement programme. The ownership of such land retains with government. The term Ban batika meaning a garden was changed to "private forest" during this revision.

### 3.2.5 Master Plan for Forestry Sector, 1988

The importance of forest in a developing country like Nepal can be seen from three major angles. Firstly, it is the basis of country's economy. Secondly, it is important for environment conservation as elsewhere, and thirdly as a backbone of agriculture sector providing inputs for agricultural system, such as fodder for

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<sup>3</sup> 1 Bigha is equivalent to 0.66ha.

<sup>4</sup> 1 ropani is equivalent to 19.6ha.

<sup>5</sup> the term village panchayat has been changed to Villaged Development Committee after 1990 democratic government.

livestock and leaf litter for compost making. Forestry plays a vital role in economic and social life of rural people comprising 87 per cent of the total population of Nepal (World Development Report, 1996). The share of forestry in GDP is only about 15 percent, but it supplies more than 75 percent of energy and 18 percent full time employment besides 1.36 million people self employed in forestry.

The forestry policy implementation had little impact in preventing deforestation. Therefore, a long-term Master Plan for forestry sector was realized and consequently a Plan was developed after a detailed field study in 1988. The Master Plan shows forest cover of Nepal to be 37.4 percent, a decrease from 43.5 percent in 1963-1965 due to continued exploitation by increasing human and livestock population. The most affected area was Tarai where the rate of forest decrease was 1.3 percent annually. Master Plan enumerated the basic information of the condition of forest in the country for the first time. The distributions of forest in the five administrative regions are not equal. The High Mountain and Mid-Western Development Region (MWDR) comprise the higher percentage (30 & 33%) of forest cover while Tarai of Eastern Development Region (EDR) comprise lower percentage (26%) excluding the high Himal region. The main composition of forest in Nepal is hardwood, 59 percent much more than the conifers (17 percent). The rest is mixed forest of hardwoods and conifers (Table 3.3). According to ecological regions, the Siwalik and Tarai regions are more vulnerable due to quick urbanization and heavily affected by deforestation resulting in decrease of forest area. Similarly, based on the crown cover of forest, only 15 percent of forest is categorized as dense forest with 70-100 percent crown cover and 26 percent categorized as most degraded (10 to 40 percent crown cover). The rest 59 percent of forest is intermediate type, 40 to 70 percent crown cover.

**Table 3.3** Natural Forest Coverage in Different Regions as of 1986 ('000 ha)

Development Region	Coniferous	Hardwood	Mixed	Total
FWDR	196	438	343	977
MWDR	522	642	468	1,632
WDR	71	664	149	884
CDR	83	787	158	1,028
EDR	55	676	172	903
Total	927	3,207	1,290	5,424

Source: Master Plan for Forestry Sector, 1988

The condition of forest is directly related with the growing stock, which determines the forest condition for keeping balance between the use and supply of resources for consumption. The Master Plan report shows that the MWDR is having higher growing stock of 125 thousand m<sup>3</sup> per ha of stem volume while EDR lowest of 71 thousand m<sup>3</sup> per ha of stem volume (Table 3.4). The report also shows that the MWDR contain highest percentage (30 percent) of natural forest area

while EDR only 17 percent of the total forest area in the country.

The wood biomass yield differs from forest in different regions. It shows that the most populated Mid-Mountains have the least biomass yield ranging from 49 to nearly 100 tons/ha while the unaffected area the High Himal shows maximum biomass yield from more than 100 to 176 tons/ha. The wood biomass used as fuel or timber was calculated to determine the biomass yield.

The Master Plan envisaged that some measures need to be taken to bring the demand and supply of forest resources to a balance. It shows that the consumption of biomass fuel in Mountain and Tarai villages are 708 and 689 kg per capita respectively including the biomass supplied from forest, privately owned trees

**Table 3.4** Growing Stock of Timber in Different Regions of Nepal

Distribution by Regions	Conifers	Hardwoods	Mixed	Total	%
	(million m <sup>3</sup> stem volume)				
FWDR	28	42	32	102	20
MWDR	94	54	56	204	39
WDR	12	39	13	64	13
CDR	15	58	12	85	16
EDR	12	41	11	64	12
Total	161	234	124	519	100

Source: Master Plan for Forestry Sector, 1988

and agriculture residue. The Water and Energy Commission Secretariat (WECS, 1994) study report that per capita fuelwood consumption on an average for Nepal is found to be 554.7 kg. The two reports showed that the demand of fuelwood was increasing at a higher rate while the regeneration of forest is a slow process. It was estimated that the deficit of forest resources would remain even after the end of the Plan if a proper measure were not taken. The proper measure would provide a surplus of the forest products like fuelwood, fodder as well as timber in the same period.

Master Plan also reported that in general almost 90 percent of fuelwood requirement for the households come from forest. Fuelwood from private farms are also increasing as a result of nationalization of forest. Nearly 41 percent of fuel is supplied from the private farm trees. But in the eastern region, more than 60 percent is supplied from the private farms in the mountains, while in the Tarai region more than 80 percent of fuel is supplied from the forest. It was estimated that if no measures were taken to improve the condition of forest, the deficit of biomass fuel will increase from 2.6 million ton to 3.5 million tones by year 2000 and with a temporary decline to 2.5 million tons in 2010 when the managed forest and tree farms attained full production.

Similarly, in the case of timber, the per capita timber consumption is increasing from 0.07 m<sup>3</sup> per year in 1980s to about 0.09 m<sup>3</sup> per year in the 1990s and estimated to be 0.12 m<sup>3</sup> by 2010. The source of timber from natural forest was

about 524,000 m<sup>3</sup> or 59 percent in 1985–86 and the rest 360,000 m<sup>3</sup> or 41 percent from private tree farms. But the supply has been increased to 561,000 m<sup>3</sup> in the natural forest including plantations and 453,000 m<sup>3</sup> in the private forest. It was estimated to increase timber supply in the forest and private forests with more plantations in the future. Similarly, forest is also extensively used for fodder. In year 1985–86, about 42 percent of fodder was supplied from forest alone. The report showed that the source of fuelwood and timber are mainly the government forest and so if no attempt to manage it properly, the increasing demand will adversely affect in the forest condition.

Master Plan envisaged that the deficit on biomass for fuel, timber and for fodder supply would remain in all the regions, if no adequate responses were taken to improve the supply. It projected that with the adequate response on the forestry, the deficit can be eliminated by the year 2010 in all fuel, timber and fodder requirements. To bring the situation in the preferable one by the year 2010, the Master plan had come up with a long-term plan, which was then divided in to medium term and long term plans.

The main objectives of the Master Plan are divided into long term and medium term plans. The objectives included in long-term plan are:

- 1) *To meet the people's basic needs for fuelwood, timber, fodder, and other forest products on a sustained basis, and to contribute to food production through an effective interaction between forestry and family practices.*
- 2) *To protect the land against degradation by soil erosion and other effects of ecological imbalance.*
- 3) *To conserve the ecosystem and genetic resources*
- 4) *To contribute to the growth of local and national economies by managing the forest resources and the opportunities for income generation and employment.*

The characteristics of this Master Plan were not much different to that of the National Forestry Plan of 1976, which was not effectively implemented (Bajracharya and Amatya, 1993). The Master Plan formulated strategies for achieving both the long and medium term objectives. Twelve sub-plans were formulated of which six were primary programme and other six supportive programmes. The six primary programmes with the percent share of the financial requirements (given in the parenthesis) during the plan period from 1989 to 2010 are as follows,

- 1) *Community and Private Forestry (46.6%)*
- 2) *National and Leasehold forestry (20.2%)*
- 3) *Soil conservation and Watershed management (9.0%)*
- 4) *Conservation of ecosystems and genetic resources (6.7%)*
- 5) *Wood-based industries (4.7%)*
- 6) *Medicinal and aromatic plants and other minor forest products (4.6%)*

Six supportive development programmes with the percent share of financial requirements (in parentheses) are also planned. This activity carries the share of 0.3 percent of over all budgets.

- 1) *Human resources (4.7%)*
- 2) *Research and extension (2.1%)*
- 3) *Resources information and planning assistance (0.9%)*
- 4) *Monitoring and evaluation (0.3%)*
- 5) *Policy and legal reform (0.2%)*
- 6) *Institutional reform*

From the financial allocation, it could be seen that the Community Forestry programme was the first priority as nearly half (46.6 percent) of the total budget was allocated to it during the Plan period. The government and leasehold forests come in the second with 20.2 percent and Soil conservation and watershed management in the third with 9 percent of the total budget.

Besides, the financial allocation for the supporting programmes like Human Resources Development and the research and extension took over maximum share of the budget, 4.7 percent and 2.1 percent respectively while the monitoring and evaluation part of the supportive programme got only 0.3 percent share of the total volume of the budget.

Master Plan could be a very ambitious plan that it expects to bring impact on economic, socio-economic and environmental conditions with sustainable production of fuelwood, timber and fodder. Fuelwood production would increase to more than double from 7.3 million tones in 1985-86 to 16.3 million tones by the end of 11th FYP in year 2010-11 while the production will increase to a mere 12.2 million ton without the management. The surplus of 4.1 million ton when converted into cash value would be equivalent to Rs.8,973 million in the year 2010 (assuming the substitution by imported kerosene). Similarly, in case of timber production, the rise in production from 0.88 million m<sup>3</sup> in 1985-86 to 3.48 million m<sup>3</sup> in year 2010 difference in production of 1.27 m<sup>3</sup> timber fodder in 2010 is worth Rs.4,547 million. The increase in fodder production of 6.8 million tons by 2010 was linked with the increase of buffalo and again in the agro-production with the increase in compost fertilizer applied in maize crop. So in terms of cash value, the saving would come to about Rs.1,199 million of maize worth from the maize production of 316,000 tons.

The increased production of fuelwood, timber and fodder estimated to bring about change in the lives of most rural people specially those who are poor and vulnerable. Also it hopes to improve the environmental condition of the country.

The implementation of Master Plan was delayed till 1992 due to the public movement and reinstatement of democratic government in 1990. The main aspect of the Plan was to hand over the responsibility of conservation and management of accessible forest to the local people who are the real users under community forestry. The ownership feeling on the local people was realized to be the key factor for the success of any program. People were given authority in making their own rules and regulations regarding the use of forest products.

Joshi (1997) pointed out that if all went well according to the Master Plan, the cities would be full of timber from forest managed by the organised Community Forestry User Groups (CFUGs). Employment generated by the wood based industries run by the FUGs is expected to raise the living standard of rural people and also support government in generating financial resources to the national treasury.

### **3.3 Democratic Phase after 1990**

The thirty year long Panchayat democratic system ended with the public uprising in 1990. The constitution of the country was reconstituted so as other various changes in the political system. The Forest Act of 1961 was revised in line with the Master Plan published in 1988.

#### **3.3.1 Amendment of Forest Act in 1992**

In 1992, the first amendment of Forest Act of 1961 brought major changes pointing out to develop forestry to meet the needs of the public and to incorporate the issues mentioned in the Master Plan. The changes focused on Community Forestry and Users' Committee for handing over of government forest to the local users unlike the local authority under PF and PPF in 1977. The Clause 29 replaced PF and PPF by the term users' group as mentioned:

29.. For the benefit of the local people, HMG can handover any government forest or parts to the users' committee to conserve and manage the forest by plantation. Such handed over forest is called 'Community Forest'.

29 a.. the Sub-clause added by the 1977 revision was abolished and the terms PF and PPF mentioned in those parts were replaced by the term Community Forest and at places the term Panchayat was changed to Users' Group.

A Sub-clause 29 e was added to introduce the formation of Users' Committee, as follows;

29 e (1).. For the use of Sub-clause 29, the local agency shall coordinate the formation of users' group and the group thus formed shall form a Users' Committee as prescribed.

(2).. If the forest to be handed over lies in more than one village or towns, the District Development Committee will coordinate and if the forest lies in more than one district then the District Forest Office will coordinate pursuant to Sub-clause (1).

The idea adopted by this amendment in making the users responsible to manage the forest was a positive sign of decentralization and devolution. However, it was a conflict in itself to the original Act, which strictly prohibits people to enter the forest, and thus required the formulation of new Forest Act in 1993. Political change from partyless Panchayat system to the democratic system in 1990 made it easier to formulate the new Act. Various changes occurred in the political institutions some only in names and some in functions also. The term Village Panchayat for the lowest administrative unit was changed to Village Development Committee (VDC).

### 3.3.2 Forest Act of 1993

The Forest Act of 1993 mentioned as "An Act made for proper management and conservation of forests" in its preamble as,

"Whereas it is expedient to meet the basic needs of the public in general, to attain social and economic development and to promote a healthy environment and to ensure the development and conservation of forest and the proper utilization of forest products and extend co-operation in the conservation and development of private forest by managing the national forest in the form of government managed forest, protected forest, community forest, leasehold forest and religious forest".

Emphasis was given to meet the basic needs of people and to manage forest in cooperation with the local people with Clauses on community forestry and User's group. This Act contained 12 Clauses more than the previous 62 Clauses making a total of 74 Clauses (Table 3.5).

**Table 3.5** Content of the Forest Act of 1993

Chapter 1 to 3	Same as 1961	Clause 1 - 22
Chapter 4	Protected forest	Clause 23 - 24
Chapter 5	Community forest	Clause 25 - 30
Chapter 6	Leasehold forest	Clause 31 - 34
Chapter 7	Religious forest	Clause 35 - 37
Chapter 8	Private forest	Clause 38 - 40
Chapter 9	Constitution of User's Group	Clause 41 - 45
Chapter 10	Collection of unclaimed or stray timbers	Clause 46 - 48
Chapter 11	Offence and Punishment	Clause 49 - 54
Chapter 12	Investigation of Offences and Procedures	Clause 55 - 66
Chapter 13	Miscellaneous	Clause 67 - 74

This new forest act added some more terms in the definition and included terms separating different categories of forest, i.e., the government managed forest, community forest and users' group in Clause 2. This also classified forest into six, such as, government managed, protected, community, leasehold, religious and private forests and included in separate Chapters. Provisions made for handing over of forest as community forest also applied to convert from PF and PPF by the formation of user groups were also made clear. The act became more specific that different Chapters were given for different forest categories, such as Chapter 3 for government-managed forest, Chapter 4 for Protected forest and Chapter 5 related to Community forest. The divisions of forest were based on the protection of environment or scientific or cultural importance.

The responsibility of government managed forest to be managed as production forest, was given to the District Forest Office, which should work with an approved operational plan. Other provisions are same as that in previous Act, which includes the provision of sales of forest products to public from the government managed forest by providing license to the officer {Clause 21 (2)}. So

far only few operational plans were prepared for some Tarai districts but not initiated.

Clause 23 (1) give power to the officer to separate any part of the national forest as protection forest if it is of special environmental, scientific or cultural importance. Till now 29,184 sq.km. (nearly 20 percent of total land) has been separated as National Parks and conservation area.

#### Chapter 5 - Provisions for Community forestry

The main focus of this new Forest Act is the introduction of community forestry, which shows clear indication for the hand over of the responsibility of forest management to the users including the sales if included in the operational plan as mentioned in the Clause 25.

25 (1).. The District Forest Officer (DFO) may handover any part of a national forest to a users' group in the form of a Community Forest as prescribed entitling to develop, conserve, use and manage the forest and sell and distribute the forest products independently by fixing their prices according to operational plan. While so handing over a Community Forest, the DFO shall issue a *certificate of alienation of the Community forest*.

(2) The DFO may constitute a users' group as prescribed by mobilizing users and provide technical and other assistance required to prepare the operational plan for the purpose of Sub-clause (1).

The handing over of the forest area could be done only after the users form a registered group based on the guidelines. However, government also has the right to take back the handed over forest if the user groups do not function as planned and caused damage instead.

29.. In case any user operates any function to contravene to the operational plan in the community forest, the concerned users' group may impose an appropriate punishment and may also realize the amount involved therein, if there has been any loss or damage.

This provision regarding the community forest was the first attempt to really hand over the management and use-rights to the real users living in around the forest areas in villages. Due to slow and virtually inaccessible for information, the DFO or the Ranger's role has been important in disseminating the new law on community forest. So the DFO can use his power to mobilize people in the prescribed manner for handing over the Community Forest, provide technical training to the groups for the management of handed over forest area. The only thing that the self emerged or DFO mobilized groups need to prepare annual Operational plans to be submitted to the DFO for handing over. The handing over system provided the Users' right to use forest products and manage forest and valid until they work accordingly.

This Act also gives power to the Users' Group to make their own Plan and rules, regulations based on the guideline provided. If in case of offence, the group can take action by punishment. The power provides the users' to use and manage forest and applies only to the forest handed over and not to other forest area even

in the same area. This Act has a separate chapter, Chapter 9 deals with the constitution of users' group.

### Chapter 9 Constitution of Users' Group

41.. The users relating to any forest desirous to utilize the forest product by developing and conserving such forest for the collective interest may constitute the Users' Group as prescribed.

The users' groups require to follow a procedure to be authorized to use their power on the management and utilization of the forest registered under the group. They have to submit annual report to the DFO regarding the activities undertaken including financial details, the fund from members, sales of the forest products, donations, etc.

The offence and punishments were dealt in Chapter 11 are almost the same as of 1961 Act except that the charges were doubled that fine of Rs.1,000 and one year of imprisonment instead of Rs.500 and 6 months of imprisonment.

The purpose and procedure of leasehold and religious forests including the conditions for leasing government forest were made clear. The purpose of leasehold forest was focused on producing raw materials for industries and also to operate various activities of tourism, agro-forestry and conservation development of the forest. The only difference in leasehold forestry from the community forestry was that this requires submitting an economic feasibility plan along with the application. The rules formulated mentioned that the forest could be leased at least for 30 years and if the leaseholder did not perform as mentioned, the handed over forest could be taken back nullifying all the rights provided. This leasehold forestry is in line with the poverty alleviation programme of the government, and that if more than one application falls for the same area, priority shall be given to the group with more people from poor, ethnic and caste minorities than the other application. The application from industry will also fall in second priority. A HMG project, the Hills Leasehold Forestry and Forage Development Project (HLFFDP) with financial support from International Fund for Agriculture Development (IFAD), with technical assistance from FAO/UN funded by the Netherlands had implemented the Hill Leasehold Forestry Programme in some selected districts. It was expected to form around 1,250 leasehold groups with about 8,400 member families and cover about 6,000 ha of degraded forestland in the ninth year plan period. It was said to be a special type of community forestry where fodder plantation is carried along with fuelwood trees since the project support the income generation from livestock (Ohler, 1999).

The religious forest is mainly for the benefit of religious groups and utilise the products only for religious purpose and no commercial purpose. A work plan should be prepared by the religious group and should work accordingly.

Regarding private forest, the provision was there even in the nationalization act for a limited area. This act has not laid the size limitation for the private forests. The person desirous to have private could do so submitting an application

to the DFO. The act allowed the person to utilize the forest product as he/she wished and also could fix the price for selling the product. But if the product needs to be transported to outside the village, need to notify the DFO as well as the village office and get the removal license. With this regulation, it made difficult for the person to sell the forest product to be taken outside the village. Many hassles need to be borne by the person including those who are buying the product. It was reported that it requires some amount of money to get the removal license making the price too high for the buyer.

The database at the Private and community forestry Division shows that there was private forest registered as early as 1983 in Chitwan and Palpa districts. There are a total of 2,169 private forests of 2,093.36 ha and the Tarai districts of Jhapa, Sunsari, Morang and Chitwan have private forests from 200 to 450 while hill districts less than 50 private forests (HMG, 2000). In the Tarai, a trend of leaving agriculture land with planted trees increased due to the implementation of land tenancy rights to the tiller. The private forestry act encourages people in keeping some land with commercially valuable trees like the Sisau (*Dalbergia sisoo*). The government encourages private forestry by offering technical assistance to those wanting to have private forest. Those desirous for the technical support should apply to the government through a letter. The government also assists private forest owners by providing the seedlings for the plantation.

#### **4. Status of Community Forest Management**

Community forestry policy has evolved over a long period after the exercise of various policies for more than two decades. The recent policy defines community forestry as the control of local forest resources and using the resources in a multi-dimensional way to fulfil their needs and manage in a sustainable way (Gilmour and Fisher, 1991; Maharjan, 1998; and Shrestha, 2000). The government recognized forest as social property and the importance of the involvement of local users in forest management. Thus to accommodate the concept, government formulated the new forest act of 1993. Although the Panchayat forest of 1961 and PF, PPF Rules of 1977 were said to be the basis of current community forestry, lack of participation of users and no direct benefit to the authority seemed to be the factor affecting in very little achievement. The data on PF and PPF shows a total of 36,376 ha state forest have been handed over by the year 1987 in 29 districts with only 16 percent accompanied by management plan and only 10 percent of which were approved (Gilmour and Fisher, 1991). There was no record of either PF or PPF in Makwanpur district one of the area for present study and only 827 ha PF and 1,043 ha of PPF have found handed over in Kathmandu district as of 1986 (HMG/MPFS, 1998).

#### **4.1 Community Forestry Policy in Forest Act of 1993**

Forest Act of 1993 categorized forest into six, as government managed forest, protected forest, community forest, religious forest, leasehold and private forests, each separated in different Chapters. For the first time community forestry was introduced in the policy with two main objectives, they are, to ensure participation of the actual users in forest management and to meet the needs of rural people from forests in their local areas. The first clause, Clause 25 deals with the handing over of forest such as:

25.. Handover of the community forest: (1) The District Forest Officer may handover any part of National Forest to Users' Groups in the form of a community forest as prescribed entitling to develop, conserve, use and manage the forest and sell and distribute the forest products independently by fixing their prices according to operational plan. While so handing over a community forest, the District Forest Officer shall issue a certificate of alienation of the community forest.

(2) The District Forest Officer may constitute a Users' Group as prescribed by mobilizing users and provide technical and other assistance required to prepare the operational plan for the purpose of Sub-clause (1).

This Act envisaged bringing more people to participate in forest management for their own benefit. It has pointed out the preparation of an *operational plan*, initially for 5 years to be renewed after investigating the progress. The handing over of national forest to the group means handing over of the rights to manage and utilize forest products by the users keeping the ownership with the government. Retaining the ownership with government mean retaining its power to return the handed over forest area from the group if the group does not follow its operational plan and work against the law according to Clause 27. However, the following Clause 28 binds government to re-hand over the returned forest area after reconstituting the Users' Group.

#### **4.2 Community forestry regulations under the rules of 1995**

Regulations on Community Forestry especially the formation of Users' Group and handing over of national forest came out in 1995, nearly two years after the implementation of new forest act. The detailed guideline on the preparation of operational plans as well as constitution of the group to be submitted to the District Forest Office was included. The important Rules in community forestry regarding handing over are:

26 .. Determination of the community forest: (1) The District Forest Officer shall have to take into account the distance between the forest and the village and the willingness as well as the management capacity of the local users who have to manage the forest, while handing over any part of a national forest to a User's Group as a Community Forestry.

27 .. Constitution and registration of the user's group: (1) Users who desire to manage a forest as community forest shall have to submit an application in a written form to the district forest officer either directly or through the concerned Area Forest Office.

(2) In case the local users or others have planted and protected trees on any public land outside

national forest area or in case the local users desire to plant trees on such land after constituting a Users' Group and obtaining the approval of the agency owning the land on the condition that the concerned agency itself retains the ownership of the land, the District Forest Officer may grant recognition to such forest area as a Community Forest.

The Rules 26 and 27 made clear on the provisions of the formation of groups, either induced or indigenous groups which should register with the district forest office for their legalization. It also indicates that the group can apply for the forests either existing or planted by the group wanting to get the forest handed over.

Usually, forest user group is a group of people bounded mainly on the basis of residential proximity and historical affiliation to a particular forest. The members of forest user groups are the households who have been managing and utilizing the forests accessible to them since long. Members argue that the non-members are not supposed to use forests, because the latter do not contribute towards the protection and conservation of the forest. The non-members would be people from other village or from other ward of the same VDC or adjoining VDC.

The group once registered with the DFO need to prepare the operational plan, which should include the information as mentioned in the Rule:

28 .. Operational plan of the community forest: (1) The User's Group shall prepare an operational plan of community forest including the following matters;

- a. details of forest name, boundaries, areas, condition of the forest and types of forest,
- b. map of the forest
- c. block division and their details-name, boundaries, areas, aspects, slope, soil type of the forest, main species, useful species, age and situation in respect to the natural regeneration
- d. objectives of forest management
- e. methods of forest protection
- f. forest promotion activities- thinning, pruning, cleaning and other forest promotion activities
- g. nursery, tree plantation, income generating programs and time schedule
- h. details of area suitable for cultivation of the herbs, types and species of such herbs, cultivation programs and time schedule
- i. provisions relating to use of income accruing from the sale of forest products and other sources
- j. provisions made for the penalties which may be inflicted on users pursuant to Clause 29 of the Act
- k. provisions relating to the protection of the wildlife
- l. other matters prescribed by the department

(2) In case the User's Group desires to plant any cash crops which yields products for a long time other than food crops in the community forest without adversely affecting the crown cover and production of the main forest product, it shall be mentioned details thereof in the operational plan.

The users need to follow a process for the official hand over of the forest area for their management (Figure 4.1). At first the users should be identified and listed up and need to register at the District Forest Office under specified rules for the management and utilization of community forest.

However, according to the Forest Act of 1993, it is only upon the approval of the operational plan for forest management developed by the Users' Groups in conjunction with the field staff of District Forest Office that the users' right to manage and utilize the forests is legitimized. The users are supposed to make their own regulations to manage forest, specially the rules and administrative arrangements including users' contributions, keeping in line with the format provided. Once it is approved, the user group will be a legal body to implement community forestry programme. But, there are many groups working as legalized groups though their operational plan have not been approved. Some groups do not take the trouble to submit the operational plan. The delay in approving operational plan is due to the conflict within the community or District Forest Office staff taking time to visit the place for necessary investigation.

This policy was first implemented in 29 hill districts with World Bank assistance and later in other hill districts with bilateral donor agencies. In 14 Tarai districts the program was under government's existing structure. In 1992, the change in Chapter 5 of Forest Act of 1961 by abolishing the provisions of PF

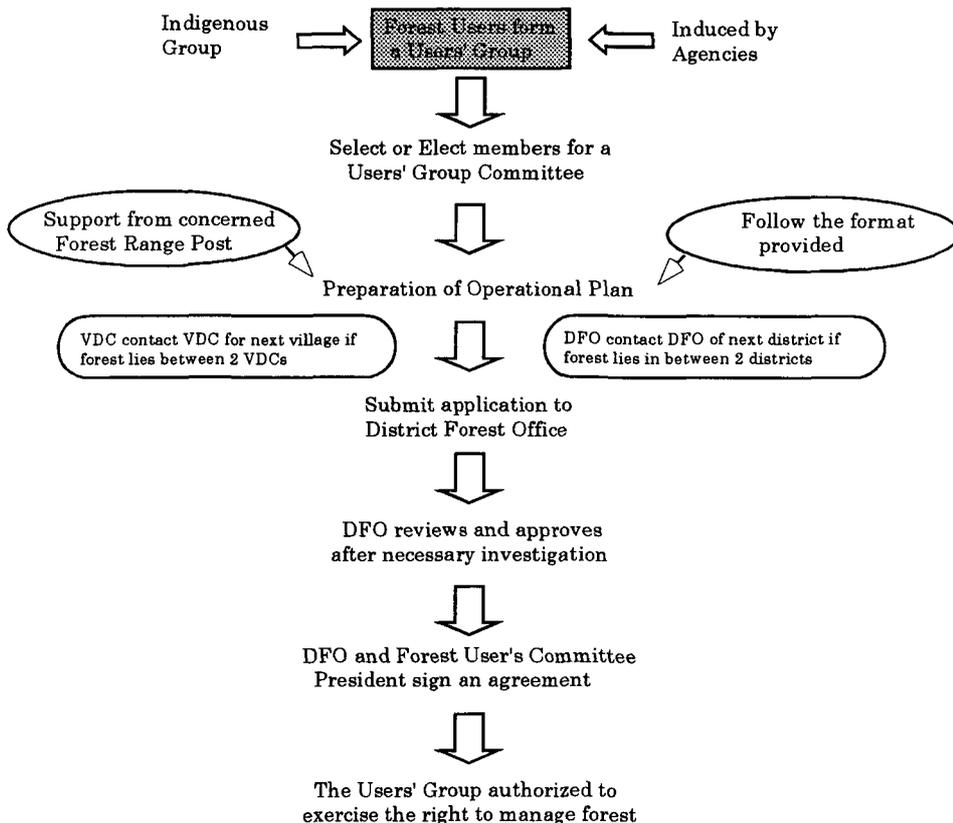


Figure 4.1 Process of Community Forests Handing Over

and PPF to introduce Community Forestry but due to conflict in the act a whole new forest act was formulated in 1993.

### 4.3 Current status of Community Forest User Groups

Department of Community and Private Forest Division was the main agency to implement the community forestry instead of the local village authority under the PF and PPF rules in 1978. The government under the new policy with community forestry development programme envisaged about 60 percent of the total forest area is potential for handing over to the local people for management (HMG/MPFS, 1988). Table 4.1 shows the growing number of Forest User Groups ever since the handing over of national forest area to the local people.

**Table 4.1** No. of FUGs and Forest Area Handed Over Since CF Implementation

Year	No. of FUG	Area in ha	Total households
1987	PF/PPF	36,276	NA
1993	2,699	107,548	NA
1994	2,756	112,626	NA
1999	7,622	549,203	846,952
2001	10,212	773,818	1,112,732

Source: Fisher and Gilmour, 1991; HMG,/CPFD, 2001

Karmacharya (1987) reported that a total of 36,276 ha of national forest land have been handed over to the Village Panchayats for their management under the PF and PPF rules. But according to the Master Plan a total of 48,541 ha of forestland have been handed over to the Panchayats as PF, 45.2 percent and PPF, 54.8 percent (MPFS, 1988). The recent information from the Community and Private Forestry Division of the Department of Forest, shows that 10,212 groups had been handed over forest area upon their request. Altogether 773,818 ha of forest were now under the responsibility of the local users of 1,112,732 households from all over the country including user groups from Hills and Tarai (Table 4.2).

**Table 4.2** Region Wise Forest User Groups and Forest Area Handed Over

Region/Districts	No. of FUGs	Area in ha	Total households
20 Tarai districts	724	99,616	152,524
53 Mountain & Hill districts	9,488	674,202	960,208
Total	10,212	773,818	1,112,732

Source: Community and Private Forestry Division, HMG, 2001

Though the community forest development programme was said to be mainly for the hills, there are already 99 thousand ha of forest area handed to the user groups of Tarai region. Community forestry programme has been implemented in

almost all districts of the country with support from various donor agencies (Table 4.3).

**Table 4.3** Status of CF Programme Under Various Agencies by February 2001

Project/Donor country	No. of districts covered	No. of FUG	Total HHs	Area in ha.		
				ha/FUG	ha/HH	
1 EFEAP/ USAID	6	972	96155	89,876	92.46	0.93
2 ChFDP/ GTZ	2	80	10,807	8367	104.58	0.77
3 NUKCFP	7	1,689	167624	109,091	64.59	0.65
4 NACRMP/ Australia	2	629	64,232	30,892	49.11	0.48
5 NSCFP/ Swiss	3	421	50,248	32,376	76.90	0.64
6 NARMSAP/ Denmark (work thru Govt. agency)	38	6,195	64,3065	467,677	75.5	0.72
7 Tarai without projects	15	226	80,601	35,539	157.25	0.44
Total	73	10212	1,112,732	773,818	75.77	0.69

Source: Community and Private Forestry Division, HMG, 2001

Out of 75 districts, Community Forestry Development Program under both government as well as donor agencies covered 73 districts except Mustang and Rolpa districts. Natural Resources Management Sector Assistance Program (NRMSAP) under DANIDA (the Denmark support) is the largest supporting 38 hill districts, implemented by the existing government structure. Nepal Australian Forestry Project, renamed as Nepal Australian Community Resource Management Project (NACRMP) supporting two districts in the Central region is the oldest since 1988. Nepal UK Community Forestry Project (N/UKCFP) supports 7 hill districts (4 in the eastern and 3 in the western region). Similarly, Nepal Swiss Community Forestry Development Project (NSCFP) of Switzerland supports 3 districts towards north east of Nepal (Figure 4.2).

Environment and Forest Enterprise Activity Program (EFEAP) of US-AID runs forestry program in middle hill and southern districts of mid-western region and GTZ German Technical Cooperation support 2 Tarai districts since 1993. The remaining 15 Tarai districts are covered by the government's own program, as early as 1990 in Mahottari district. The record shows that some of the groups of far western region have already been registered in 1983. The first CFUG from Makwanpur district was registered in 1991. The bilateral programs of Australia and United Kingdom were the pioneers in working in rural areas with forestry as main entry point and showed the higher number of registered Community Forestry Users' Groups (CFUGs), with Sindhu Palchowk 305, Kavre 324, Bhojpur 320 and Syangja 331 groups, and some groups are in the process of registration. Tarai districts also have registered user groups although the programme was said to be for the hill region thus the number of groups in Tarai is considerably low, as only one in Bara district.

It is clear that those districts with support from projects advanced in the formation of CFUG. FUGs in Tarai except few districts were operated through

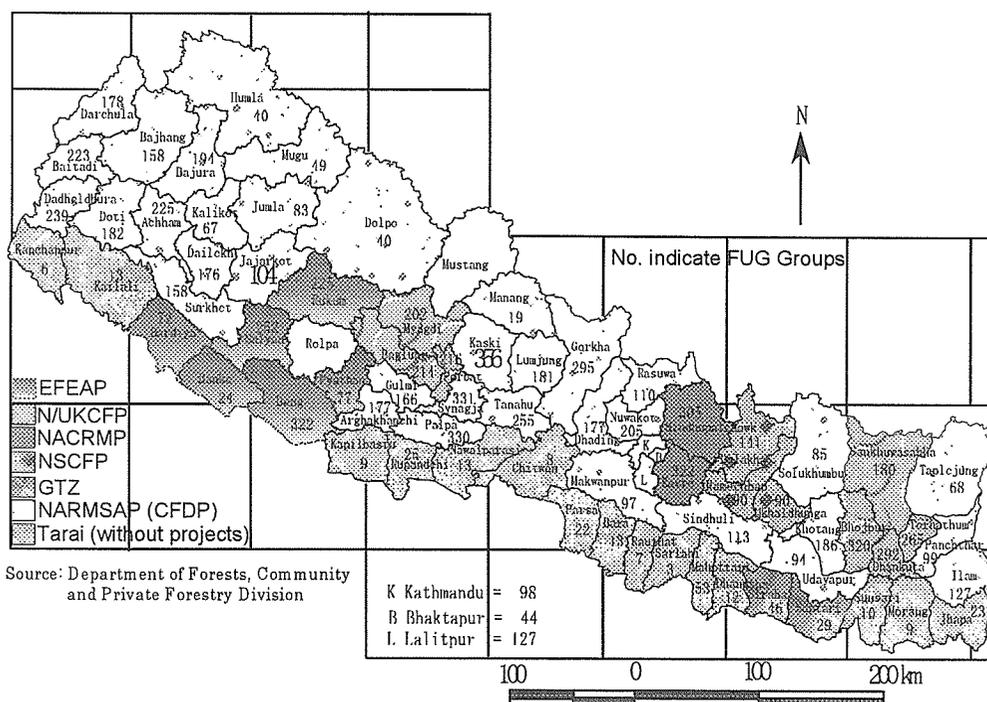


Figure 4.2 Status of FUGs in the districts under various programmes

the government usual programme. Government hesitated to handover forest in Tarai area because of the good potential for planned forestry development through government itself. The reason for government aim to manage forest in Tarai districts was because of the distance between the scattered settlements and forest.

#### 4.4 Community forest and benefit sharing

The Forest Act of 1993 and Rules of 1995 provide the users the rights to use and manage the forest handed over as community forest (Rule 27). The Rules also made clear that the FUG could use the benefit gained from the community forest in any community development activities. The government has retained the ownership of the forestland and no revenue is required to submit from the FUG. It also retain the power to take back the handed over forestland if the FUGs misuse the rights as mentioned in the Clause 27 of Forest Act.

The recent Amendment of Forest Act of 1993 has added a condition to the Clause 30 regarding the use of benefit from the community forest that at least 25 percent of the income should be spent for the management and conservation of forest and the rest can be used for any community development works in the village. Based on this provision, some of the user groups have already utilized the income in community development activities. It was argued that the user groups

might misuse the profit generated from the community forests. Joshi (2000) emphasized that the damage will be more if remained under the control of government. Since almost all the user groups have intention of using the benefit from community forest to the community development of the village, it will help to supplement the development effort of the government.

A recent government Ministerial decision aiming to bring the control of Tarai and Chure forest management under government has raised suspicion from among the people involved in community forest management programme. The objective for the change was stated that Tarai and Chure forests being located in the ecologically fragile area, it is important to better manage and save the region from further degradation. Whatever was the stated objective, Tarai has always been a target of government to keep control for its income. It was once consisted of a *char koshe jhadi*, the 12 kilometres wide dense jungle infested with malaria and used as buffer to protect from the enemy. Once malaria was eradicated in late 1950s, planned resettlement was organized from government by clearing a large portion of forest in Tarai region. This action led to the decrease of forest from 32 percent to only 26 percent (Shrestha & Conway, 1992). Still forest in Tarai has pure stock of Sal (*Shorea robusta*), a part of the sub-tropical forest. Government decided to manage the forests in Tarai and Chure Siwalik region making into blocks and apply collaborative approach for its management. The major argument put forward in the revision was the geologically fragile condition of the region requiring permanent vegetation for soil as watershed conservation. While the community forestry is making success in the hills, which are rejuvenating, the new decision bringing control over the Tarai and Chure forests under government created suspicion on government intension. The decision on benefit sharing also confusing that as it pronounce the difficulty of managing forest without peoples' participation, for which government is willing to provide 25 percent of the income to the local government for implementing development activities in place of their participation.

Besides the Tarai and Chure forests, another important decision concerned with the community forest management in the hills is that the government would collect 40 percent of the earnings from community forests for programme implementation. The impact of these decisions regarding the profit sharing would be more negative since people will not be interested to participate if they have to loose the right once gained.

## **5. Community Forest Management in Suntol VDC, Kathmandu District**

This Chapter deals with a brief account of the selected village Suntol VDC for the present study. It focuses on the general village condition and forest management under community forest policy. Suntol VDC has a number of community forest user groups and a very degraded forest.

## 5.1 Background of Suntol VDC

### 5.1.1 Location

Suntol is one VDC out of 58 in Kathmandu district situated at the altitudes between 1,500 to 1,800m. A small part of this VDC adjoins with other VDCs to form Sankhu town, a trade centre on the way to Tibet in the past. After the construction of 114 km long Arniko highway from Kathmandu to China border (Tibet) through Banepa, bypassing Sankhu, the trade declined and people started to improve agriculture. Sankhu was a town with about 1000 households, later divided into three and included in three different VDCs, Sankhu Suntol called as Suntol, Sankhu Bajrayogini and Sankhu Pukhulachhi.

### 5.1.2 Land use

Finding the data on land use was a difficult since the secondary information of the village is not readily available. The topographic map of 1992 (1:25,000 from HMG Land Measurement Department) shows Suntol village with incomplete VDC boundary and no indication of Ward boundaries. So the first task was to develop a map with the help of topographic map and aerial photographs, which are made for other purpose than forest survey. Thus a part of the forest area is being excluded. With the help of local people, the VDC boundary and ward boundaries were marked on the map and verified in the field, then interpreted using GIS programme, Arc Iinfo and Arc View to calculate the area of the village as well as area of forest. Table 5.1 shows that it covers nearly 2.5 percent of Kathmandu district. About 50 percent of the total land area of the village has been utilized as agricultural land while forest area covers 44 percent including grazing area.

### 5.1.3 Forest resources

Suntol forest spreads over north extending from west to east and covers the altitude as low as 1,420m to the maximum height of up to 1,860m. The forest area is a continuous patch except at the eastern part separated by the farm and road leading to the famous Mountain View point of Nagarkot (Figure 5.1).

**Table 5.1** Land Use Pattern of Kathmandu District and Suntol VDC

	Kathmandu District, ha	%	Suntol VDC, ha	%
Total	41,201.00	100.0	1026.0	100.0
Forest area	13,761.10	33.4	451.4	44.0
Agricultural land	19,199.70	46.6	566.3	55.2
Non-agricultural inclusions	5,397.30	13.1	2.3	0.2
Grazing	370.80	0.9 (included in forest area)		
Other	2,472.10	6.0	6.0	0.6

Source: District profile and field survey, 1999

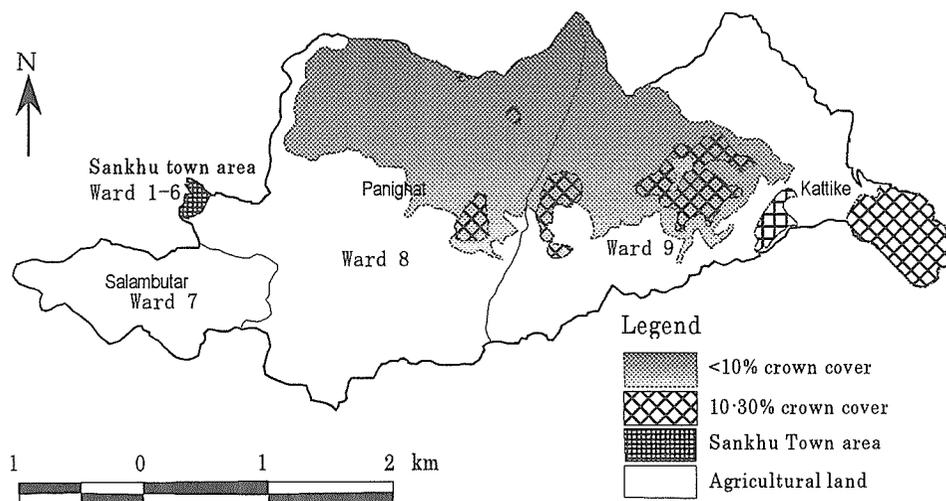
The forest is a mixed type falls in the category of Schima-Castanopsis forest according to Stainton (1972). Some Pine trees occur here and there besides some plantations within the broad-leaved forest. The survey conducted showed that the

forest has been heavily degraded to the extent that no bigger trees are seen except few pine trees. On the contrary, regeneration of coppices attaining the height of about 1 m forming a shrub area shows the impact of conservation attempts of the local people in the present time. The field visits and the aerial photo interpretation shows the total forest area divided into two categories according to the forest type based on crown cover (Table 5.2).

**Table 5.2** Types of Forest in Suntol VDC

Forest Type	Crown cover		(ha)
	<10 %	10-30% Total	
Mixed Hardwood	399.2	52.2	451.4
Percentage	88.4	11.6	100.0

Source: Field survey and data generated with GIS.



**Figure 5.1** Forest cover of Suntol VDC

Only 11.6 percent of the forest area is having 10-30 percent crown cover while 88.4 percent is having less than 10 percent crown cover. The quadrat survey shows that the forest has 150 to 175 trees per hectare but most of the trees are small diameter in size less than 10 cm dbh. The average diameter class is not more than 20 cm where as regeneration of the tree species through coppice is high. The tree ring data show that the Pine trees are of younger age ranging from up to 10-15 years than the broad-leaved trees. The forest was broad-leaved with various broad-leaved tree species; most of them are smaller in size, less than 10 cm dbh and recorded as the regeneration/sapling. The following Table 5.3 shows tree species found in the forest area. The list shows the preferred uses of the trees.

Alnus, Betula, Castanopsis, Pinus species were categorized for timber use

only but almost all the species are utilized for fuelwood and some species like *Castanopsis* and *Prunus* are also used as tree fodder. *Rhododendron* species has a better value for making charcoal though it is not practiced at present. Before the formation of groups, the forest condition was so damaged that no productive resources were available.

**Table 5.3** Tree Species and Their Uses in Suntol VDC

Tree species/ Latin Name	Common Nepali Name	Uses
<i>Alnus nepalensis</i>	Uttis	t
<i>Betula alnoides</i>	Saur	Fw, t
<i>Castanopsis indica</i>	Dhale Katus	fw, fo, t
<i>Castanopsis tribuloides</i>	Musure Katus	Fw, fo, t
<i>Lannea grandis</i>	Jhingan	fw
<i>Lyonia ovalifolia</i>	Angeri	fw
<i>Melia azaderach</i>	Bakaino	fw
<i>Myrica esculanta</i>	Kaphal	fw
<i>Myrsine capitellate</i>	Seti kath	fw
<i>Pinus roxburghii</i>	Khote Sallo	t
<i>Prunus cerasoides</i>	Painyu	fw, fo, t
<i>Pyrus pashia</i>	Mayel	fw
<i>Quercus incana</i>	Banjh	fw
<i>Quercus glauca</i>	Banjh	fw
<i>Rhododendron arboreum</i>	Gurans	fw, c
<i>Schima wallichii</i>	Chilaune	fw, t
<i>Symplocus ramosissima</i>	Kalikath	fw

Note: t -timber; fw -fuelwood; fo -fodder, c-charcoal

#### 5.1.4 Forest Resources Users

The forest users of Suntol VDC can be divided into two categories, direct and indirect users. The direct users are those who live in the ward where forest also exist and can form the user group according to the villager's rule. The indirect users are those who live in the same VDC but in different ward than the location of forest. Only at some exceptions such people can use forest after becoming member of the user group. Although the community forestry regulation does not strictly emphasize the formation of user groups according to the administrative boundary, people from the VDC found easier to manage if they were from the same ward or VDC.

Since forest in Suntol is located in ward no. 8 and 9, people living in those two wards were the direct users comprising of only 43 percent of the total households of the VDC. The total household of the VDC is 639 with a total population of 4,166 and about 33.5 percent of the households are concentrated in the town area. Since the wards are separated according to population density, the town area has been separated from 1 to 6 wards that people from wards 1 through 7 were indirect users of the forest resources.

With the typical living pattern of different ethnic people, Tamangs live in the

higher hills while the Brahmin/Chhetris towards the lower part or the foothills. Newars concentrate at the valley or riverside plain areas forming town or bazaar while some occupational caste people live at the periphery of the town area. Since forest is located in the higher hill, Tamangs and Brahmin/Chhetris become the direct users as they live near the forest area. Except few Newars living at the foothills, almost all were indirect users of forest since they live in the town area without forest in their wards.

Of the 56 percent economically active population (age between 19 to 59 years) in the village, only 38.4 persons are involved in other economic activities like service in or outside the village. Some of the families lived in adjoining cities Kathmandu or Patan for work and let somebody work in their farm or rent-out. The rest were involved in agriculture which constituted the main occupation. There was no data on the exact number of landless people in the village and almost all were involved in farming even by renting somebody's land. Renting in and renting out of land for cultivation is a common practice in Nepal. The case in Suntol is more complicated as the renting without written document was common and communicated verbally from the previous generation. Renting of land for one season only is also practiced in this VDC. People try to avoid renting out land for whole year so as to avoid possible claiming of land tenancy rights for the borrowers and the owners try to cultivate the main crop, i.e., paddy. A survey by Sasaki (1998) categorized five types of tenancy in the village, such as,

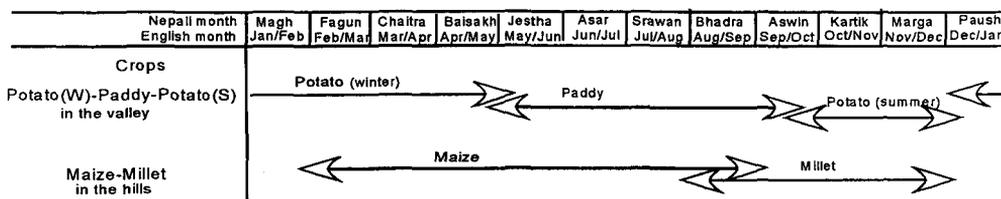
- 1) Tenant: no own land, cultivate by renting-in
- 2) Owner: cultivate on own land only
- 3) Lord: cultivate on own land and land rent-out
- 4) Owner tenant: cultivate on own land and rent-in land
- 5) Lord tenant: cultivate part of own land and rent-in as well as rent-out part of own land

As regards to land holding, the majority (41.7 percent) of households are small farmers holding less than 0.25 ha of land. Of the surveyed households 19.4 percent hold from 0.25 to 0.51 ha land for cultivation. 6.9 percent of them are having land up to 0.75 ha and 5.6 percent up to 1 ha. Only 5.6 percent are big farmers with more than 1 ha of land.

The field survey showed that almost all people except Tamangs practiced renting-in land from others and found that those having more land also have rented-in land from others while they rent-out their own. Of surveyed households 21 percent do not own any land but have rented-in an average of 0.35 ha land per household. About 62 percent of those having up to 0.5 ha land have rented-in about the similar amount of land from others while the big farmers (17 percent) having more than 0.5 ha also have rented-in an average of 1.2 ha of cultivating land from others in the village.

Cultivation of cash crop like potato has been getting popular and more people practice commercial farming than the traditional subsistence farming (Figure 5. 2). Cropping intensity has also increased from two crops to three crops where

irrigation water is available, mostly in the lower level terraces. Cropping pattern in the higher elevation is still traditional with two crops, maize and millet in a year due to lack of irrigation water. People living in the hills thus have a different way of living that they have more animals partly for income and partly for supporting agriculture.



Source: Field Survey, 1999

Figure 5.2 Major cropping pattern of Suntol VDC

Livestock is an integral part of agriculture for making compost fertilizer with animal manure. Raising animals has close relation with forest since most of the rural people depend on forest for fodder and grazing. The average livestock holding among different ethnic people differs due to their settlement pattern. Tamangs living in the hill near forest are having the highest average livestock unit than others. It also depends on the access to other alternatives as the Newars use chicken manure purchased from outside the village instead of making compost by themselves (Table 5.4).

Table 5.4 Average Livestock Holding Per Households in Different Ethnic Groups

Households (HH)	Ave. TBU Per HH	Ave. no. of Cattle	Ave. no. of Buffalo	Ave. no. of Goat
Newar (n=19)	0.47	0.05	0.21	0.95
Tamang (n=17)	2.49	0.88	0.94	3.94
Brahmin (n=16)	1.63	0.88	0.56	1.88
Chhetri (n=12)	2.47	1.5	0.92	2.08
Other (n=7)	1.17	0.43	0.43	1.86

Source: Field survey, 1999.

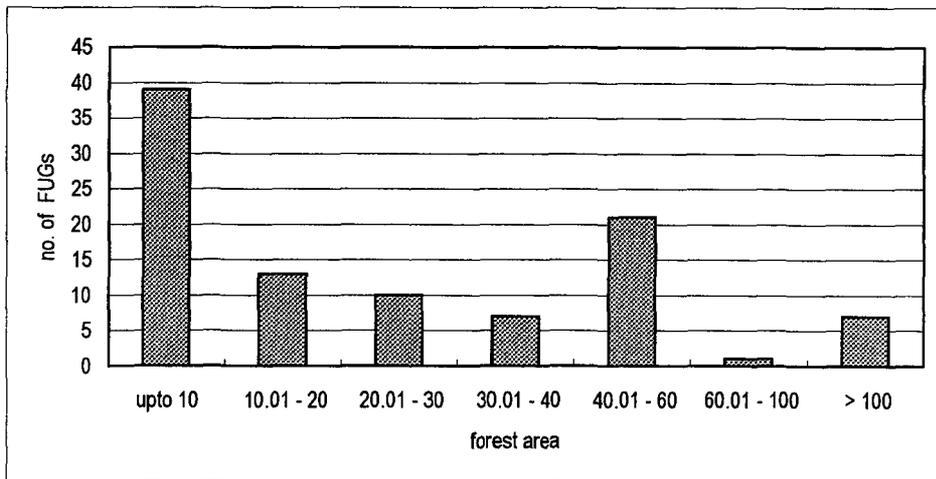
Note: TBU: Tropical Bovine Unit.

Tamangs depending upon the traditional agriculture hold more animals in average than the others. The income level of Tamangs was lower than others as they hold the farm terraces with less productivity and no irrigation facility. They hold more buffalo and goat while Chhetri holds more cattle. Holding cow and buffalo is mainly for milk and manure while goats, chicken are for meat and cash income. Besides animals, chickens are also important part of livestock for income and nutrition. Similar to other animal holding, Tamangs and Chhetris hold chicken more than other (occupational caste) groups.

### 5.2 Status of Community Forest User Groups

Besides Shivapuri watershed and conservation area, Royal Nagarjun forest, Gokarna forest and some government managed forests, a total of 3,083.64 ha forest area out of 33.4 percent forest area have been handed over as community forest in Kathmandu district. Altogether 98 user groups with total households 11,720 were officially recognized as community forestry users group by 1999 (DFO, Kathmandu). More groups are composed with small forest area as compared to some larger groups having larger forest area (Figure 5.3). The fragmentation of forest area is more prominent in this district than in Makwanpur. It is because of the high population density.

Located near the capital, forests of Kathmandu valley and surroundings were directly under control of the rulers in the past from the Malla period before unification of the country (1768). Forest has been largely used for the construction of a number of temples in Kathmandu (Gautam, 1993). People were allowed to collect resources for their own use like fuelwood, fodder, wood for house construction and charcoal making but were not allowed collection for commercial purpose. The Talukdaari system which appoint the local elite and give authority for revenue collection from the local people have continued over the Rana regime and until the enforcement of nationalization of private forests. With the forest nationalization, the Talukdaars or Jimmawals lost their power over the people as forest were to manage by the government staffs, they were said to move in the



Source: Kathmandu District Forest Office, 1999

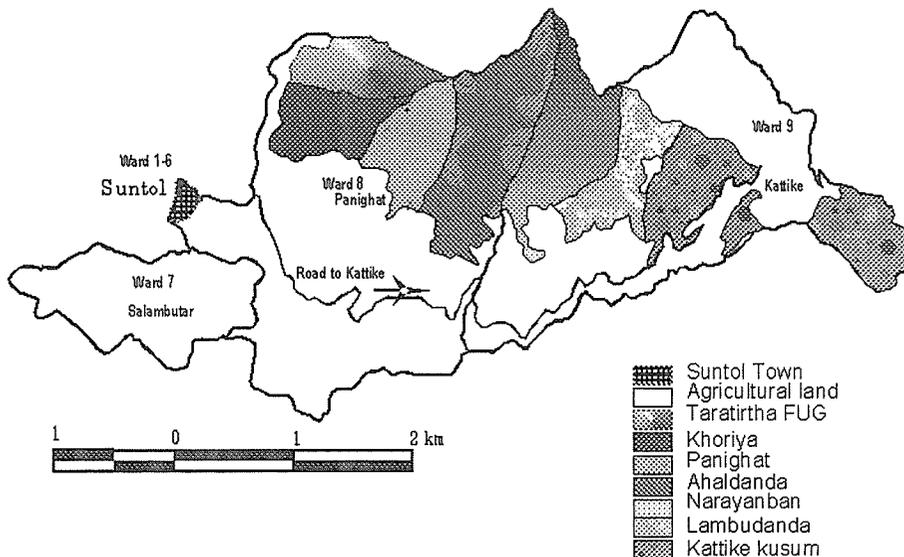
Figure 5.3 No. of FUGs with respect to forest area handed over

strategy to fail the new forest policy by exploiting forest resources (Malla, 1999). The blame went to the local people who were just the observers of the destruction with little participation as the forest were under government control and guards were employed for the forest in around Suntol. By the end of 1980s, Suntol forest

was completely damaged leaving only few old trees near the settlement of Narayan ban.

In 1990, a major political change occurred with the restoration of democratic system from Panchayat system and also occurred changes in the forest policy. The Department of Forestry became responsible for the government managed forest but could hand over the potential community forest to the local user groups under community forestry programme. Since community forestry is the first priority, the role of forestry staffs also changed from protector to the facilitator encouraging local people in their participation for management. Being situated near the capital city, forestry staffs visit the village frequently. They invited a person from the village in the orientation cum training on community forest management so that the villagers were encouraged to come forward for handing over. In the beginning, people from wards 8 and 9 got together into one users' group with 21 committee members but after realizing the difficulty in conducting meeting even among the executive members, they decided to make the group into small sub-groups and divide forest area for each small groups (Figure 5.4).

All the seven groups have been registered and the operational plans approved starting from the year 1994 to 1997. The boundaries of forest with respect to the user groups were marked in the map and digitised to calculate the area using GIS. There were differences in the area as generated from the map with that of the forest area registered as community forestry for hand over as shown in Table 5.5. Except one group, all the registered forest area were larger than the measured one and the difference for Ahaldanda group was more than hundred ha.



**Figure 5.4** Forest area with respective FUGs in Suntol VDC

**Table 5.5** Forest User Groups and their Characteristics in Suntol VDC

User Groups	User Households	Forested Area, ha	Forest area Registered ha	Difference in area, ha	Handover status	Dominant ethnic group
Ward No. 8						
Taratirtha	28	36	25	11	1995	Newar/Tamang
Khoriya	34	39.4	44	-5	1995	Brahmin/chhetri
Panighat	54	43.8	54	-10	1994	Brahmin/chhetri
Ahaldanda	60	91.6	201	-109	1996	Brahmin/chhetri
Ward No. 9						
Narayanban	114	68.5	108	-39	1996	Brahmin/chhetri
Lambudanda	46	42.7	47	-4	1997	Tamang
Kusum kattike	53	108.1	150	-42	1996	Tamang
Total	389	430	629	-199		

Source: Field survey

The man-land ratio regarding forest area varies from as small as 0.5 household/ha for Kusum kattike to as high as 1.7 household/ha for Narayanban FUG. The pressure of people in Narayanban FUG and Panighat FUG are higher while Lambudanda has higher animal pressure on forest (Table 5.6).

**Table 5.6** Forest Area in Relation to Human and Livestock in Suntol VDC

Forest User Groups	Household size	Household per ha of forest	Animal per Household	People per ha of forest	Animal per ha of forest
Taratirtha	6.7	0.8	2.2	5.2	1.7
Khoriya	6.7	0.9	2.3	5.8	1.9
Panighat	6.7	1.2	2.2	8.3	2.7
Ahaldanda	6.7	0.7	1.4	4.4	0.9
Narayanban	5.9	1.7	1.4	9.8	2.3
Lambudanda	5.9	1.1	2.4	6.3	2.6
Kusum kattike	5.9	0.5	2.3	2.9	1.1

Source: Field survey

## 5.3 Local Forest Management Under Community Forestry

### 5.3.1 Operational plan

According to the guideline of community forestry implementation, operational plan should be taken as a basis for under taking the activities in forest management. The operational plan should include the details of the location, condition of forest and the strategy for management. It should also include the information on the user group's constitution, and the names of the user households. The rule also says that the user group should prepare the operational plan in their own context. However, a general practice observed that the groups copy the format provided by the Department of Forest as all the groups have similar operational plan with some changes on the amount regarding the offence. Although the operational plan contained all the details of forest management

including silvicultural/technical activities like singling, thinning, pruning, weeding but hardly undertaken (Annex-6). Even the groups have made sign boards with the map dividing the forest area into five blocks for rotational operation mentioned in the CF Rules supported by District Forest Office. For actual undertaking, lack of financial support from the forest office and no income source of the groups, they find it difficult to practice silvicultural operations. Except for one time support from the District Forest Office for a training and orientation to show pruning, weeding, the users hope to get some financial help to conduct silvicultural activities. Only one ha of forest was treated during the training at Kusum kattike group. It will take many years to complete pruning and weeding if they do one ha a year and forest growth may not be in line with their objective of making materials for timber available.

The importance of operational plan is also in the formation of rules and regulations for their forest management. The operational plan of all the groups is very similar except the membership fee of Rs.23-25<sup>6</sup> per household per year and charges for offence. Some groups are very serious in raising membership fee, like Kusum kattike group decided to expel the household, which did not pay the fee for certain period.

A general rule applied by all the groups prohibiting any user to collect forest resources on days except the specified day in the year. Those offenders if caught are required to pay cash as fine, which are mentioned in the operational plan along with other rules as follows:

- 1) Membership fee Rs.24-25 per year per household
- 2) Issue entry card of Rs.2-5 to enter forest on the days open for collection of leaf litter or grass
- 3) Distribute fuelwood collected after pruning and weeding session by charging Rs.5 per load.
- 4) In case of offence, charge Rs.50 to 100 for collection of twigs or grass on days other than specified days. Fine for cutting may exceed from Rs.100/500 for small pole sized to Rs.1000/2000 for cutting big tree.
- 5) Open forest for collection of leaf litter once a year during March-April and open forest for 5-10 days.
- 6) Open forest for collection of green grass once a year during September for 10 days or only 4 Saturdays during the month.
- 7) Organize pruning and weeding at a section of forest for 1-3 days a year and collected materials are either divide among the households or divide by charging upto Rs.5/load.
- 8) Provide a certain amount (5-15 bhari) of dried wood for the family in case of use in funeral pyre
- 9) Provide tree for construction of house or for religious function only after checking the condition of the applicant's case and decide the amount to be provided, from 2 to 3 trees.

Besides membership fee, some groups also raise a nominal fee, Rs.2-5 per person to enter forest for pruning, weeding activity and are required to pay for

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<sup>6</sup> US\$1 = Rs.70 in year 2000.

their share of materials collected if the committee decide to sell the collected materials. Sometimes the users were allowed to take home the collected material. As the activity is done only during the specified day in a year, the users are not allowed to collect materials in other days. This tight control has led people to use kerosene instead of fuelwood.

### **5.3.2 Forest management**

The purpose of forest management has changed due to the changing environment. Community forestry programme stated its objective as to fulfil basic requirement of fuelwood, fodder, and leaf litter for people but the highly damaged forest hardly provide any resources to fulfil their needs. It was found that the collection of fodder has been prohibited as it concerns the collection of live branches, only the dead and dried parts can be collected. The information shows that about 70 percent of the households use kerosene for cooking due to scarcity of fuelwood. Household towards the hills are more dependent on forest than those living in the lower hills and valley. 28 percent of households live in the town and have no access to forest use fuelwood together with kerosene. There is no data on the source of fuelwood but according to local people, about 40 percent of fuelwood was estimated to be supplied from their own farm as evidenced by the increasing number of trees in the terraced farmland.

Although the users do not get any benefit from the community forest management at present, they hope to get benefit after some years of protection. The benefit was in terms of mainly timber, which cost quite a lot if they have to buy from outside. Regarding other resources beside wood for timber, fodder collection was prohibited, a rule existed years before as it concerns the collection of live tree branches. Responses on the collection of fuelwood and leaf litter with the initiation of community forestry are mixed. Fuelwood collection can be done only for limited days in a year during pruning, weeding activity and share the collected material among themselves. In case of availability of leaf litter, some users (40 percent of households) responded increase due to controlled collection time while some (46 percent out of 40 households surveyed) felt decreased as they have been enjoying free collection previously.

Forest management in Suntol is limited to conservation and natural regeneration with the initiation of community forestry and the control of free entrance into the forest. The silvicultural activities under forest management have not been practiced though it was mentioned in the operational plan submitted to the District Forest Office. The control of entrance in to the forest area is a necessity due to the degraded condition of forest, to allow regeneration. If the collection is continued it is not possible to obtain forest products for their own use in the future. The closure of forest requires somebody to regulate the rules and check the violation. There are two ways to control the intruders, whether to employ somebody with pay as forest watchmen or take turn by themselves. Almost all the user groups use the method 'the staff and red turban' or lauro and rato pheta, as

described by Hobley (1996), to take the turns in watching the forest for intruders. Table 5.7 shows that only one user group employ two persons to check and control the forest from further damage.

The users groups have executive committees representing 11 to 15 persons from the users. All the groups except Khoriya have only men in the committee members and no representation of female users. There was an attempt to involve women in the activities and so one woman from each group is nominated as representative to the FUGs Range post level networking of the users.

The executive committee is supposed to conduct meetings regularly once a month, as was mentioned in the operational plan in all the seven user groups. However the records show that the rate of meeting have been decreased to once in two months or even less. Since the rules have been set and they meet only when it is required as to decide some important matters. The committee members meet only when they have to make important decisions, like time and days to open forest and ask people to volunteer for offenders of the rule. Thus meetings are conducted around July-August and December-January to decide the opening of forest as well as for the general assembly during the month of December-January. However, meetings are conducted when there are other important things to decide besides that mentioned, for example, nominating somebody for training or punishment if somebody violates the rule.

The committees are actively involved to control the conservation of forest with the aim of producing good resources for their benefit and so the forest should not be kept open everyday for collection. The users are convinced that if they do not use everyday, they will be able to collect more when the forest becomes good. With the controlled access for 4-5 years, the forest regenerated up to the level of bush, most of them regenerated from coppice.

**Table 5.7** FUGs and Forest Management System of Suntol VDC

User groups	Exe.Com.mem		Committee Meeting	Control Measures	Watchmen Yes/no	Forest Open for Collection*	Remarks Mem.fee
	Male	Female					
Taratirtha	11	-	not regular on need	watch in turns	no	limited days for Collection*	Rs.24/yr-
Khoriya	12	1	once in 2 months not regular	watch in turns	no	"	Rs.24/yr-
Panighat	11	-	only on need	watch in turns	no	"	Rs.15/yr-
Ahaldanda	13	-	not regular on need	watch in turns	no	"	Rs.24/yr-
Narayanban	13	-	not regular on need	watchers 2, part time only	Yes,	"	Rs.24/yr-
Lambudanda	11	-	not regular on need	watch in turns	no	"	Rs.24/yr-
Kattike kusum	15	-	only on need	watch in turns	no	"	Rs.25/yr-

Note: Exe.Com.mem = Executive Committee Member; M.fee = Membership fee per household

\*1-2 days in Mar/Apr. for leaf litter; \*4-10 days in Sept for green grass;

\*fuelwood only during weeding & pruning time once a year;

\*\* during all events entry charge Rs.2-5 and divide/sell among themselves for Rs.5/bhari (load) (US\$1 = Rs.70)

The impact of nationalization was significant because of the forest located closer from the city. Due to the heavy degradation, people participated actively once the policy gave the opportunity to recover the loss. Contrary to Palung which is far from the city and degradation was less, participation was also less compared to Suntol. It supports the hypothesis that people participate when there is scarcity (Hobley, 1996; Rayamajhi, 1998).

Meeting of the users' committee is supposed to conduct once a month as mentioned in the operational plan but in reality they meet only when they have to decide the important things, like the period to open forest for the collection of leaf litter or grass. Almost all the FUGs have decided to open forest for collection of leaf litter during March/April for few days and green grass during September for 10 or more days. Regarding fuelwood collection, it is permitted only when pruning and weeding conduct one to two days a year. The executive committee members work actively during those days issuing the entry coupon and checking the outlets whether the members collect materials besides those mentioned as grass, leaf litter and only the dead, dry branches twigs including thinning the coppice. Some groups utilize other members as volunteers as to check the collection process. One of the groups, Narayan ban had to decide to close the forest in one day instead of three days as planned because of the collection of materials besides those allowed to collect such as pole sized wood. This shows the commitment of the users committee for the conservation and to get more benefit in future with timber.

Representation of women in the executive committee is found very low thus no role of women in the decision-making. It was also seen in most of the groups that the major decision makers are from the educated and well off among the members and less representation from the poor and marginal families. This has been the case in other villages except the groups formed by the women only as in Gorkha (Acharya, 1993).

### **5.3.3 Decision-making**

The users are responsible for making any decisions regarding forest conservation, management and utilization. The users select representatives to carry the official procedure on behalf of all the users. Operational plan clearly mentioned the rights and duties of the users as well as the user committee. Once the major decisions were done in general assembly such as decision on days/times to open forest for collection of materials, fuelwood, litter and the amount for membership fee or offences, the executive committee is to apply the decisions at times of need. The executive committee members are expected to meet once a month or more if required to take the action. When the executive committee members are not functioning well, the users re-elect other members for the executive committee in the general assembly which is usually held once a year or twice a year according to the groups' requirements.

#### 5.3.4 Benefit sharing from community forests

The forest users expect to get benefit from the forest by involving in the conservation activities. Regarding sharing the benefit, the groups try to avoid non-members getting benefit by exploiting the resources on the days open for the users by issuing coupon or entry card for which they charge a very nominal amount of Rs.2 per person, 2 persons per household. They are also allowed to collect dry fallen branches during the days for leaf litter or grass collection but prohibit to collect live branches. In case of fuelwood, collection is allowed only during the open days for technical management, such as pruning and selective cutting for better tree growth by singling and thinning. They collect all the materials at one place and divide among themselves for free of cost or with charging a small amount of Rs.5 to 10 per load.

Regarding auction, they have the provision for auctioning the wood specially if the tree was fallen by wind or natural process. The priority of auction goes to the user members first and if nobody from among the members show desire then invite outsiders to participate in auction.

The current Ninth Development Plan (1997-2002) of the country aimed to reduce countrywide poverty by implementing various programmes and community forestry is also one of them. How community forestry programme expect to reduce poverty?

In a broad thinking, this community forestry programme expected to produce a considerable amount of forest resources by 2010, it expects to produce not only fuelwood and leaf litter but also wood for timber which initiate saw mills and generate employment in the villages. There will also be benefit from the planted trees in the long run with the high value products. On the other hand, non-timber forest products like herbs, fruits and agro-forestry would also generate income. When the benefit or income generation takes long time, people get less interested. However, the participation is increasing in growing trees for forest management not just for their own need but also to produce more so that they can generate income for the group and to conduct some development activities in the village.

Realizing the fact of quick benefit, community forestry policy also included the provision of making the use of forest for income generation without damaging any trees existed or planted. In case of degraded forest condition, the return from forest would take a long time thus the users came up with some alternative thinking for quick return. In line with the objective of supporting the National Poverty alleviation as indicated in the Ninth Plan, income generating programme besides the income from trees. Ninth Plan envisaged to bring down poverty level from 42 to 32. The income generation activity in the community forestry will also help the Plan to some extent. A study of some user households in Kavre Palanchowk (Roy, 1999) has estimated that the indirect benefit from the time saved from fuelwood, leaf litter collection can be utilized for other direct income generation

activities. The hypothesis is that when the resources are close to the village, the collection of those materials would take less time and thus save time of about 3.6 hours per family (Roy, 1999).

In Suntol, one FUG Kusum kattike, started income generation activity within the forest by forming sub-groups of 5 persons (households) and separating the forest area for the responsibility to the sub-groups. The families were selected from the list of their users group and ask for application. The committee gives priority to the most low-income families. The group was awarded with prize for initiating the income generating work from the District Forest Office, Kathmandu.

The income generation programme expected to generate income for those involved families by the plantation of annual or short return plants such as ginger, cardamom or bamboo, mulberry. It is a kind of leasing land for income but without converting the land to other use than forest. The additional plants could be planted only in the existed open spaces or by clearing the shrubs. The family is required to submit 25 percent of the income to the user group fund. It is however early to get the result since the programme was just implemented and no actual growing has taken place.

## **6. Community Forest Management in Palung VDC, Makwanpur District**

### **6.1 Background to Palung VDC**

#### **6.1.1 Location**

Situated about 65 km south from Kathmandu, Palung VDC is one out of 43 VDCs of Makwanpur district. Topographically the district can be divided into two main ecological regions, the Mid-Hills (40 percent) in the north and Siwalik or Chure range (60 percent) in the southern part. The variation in altitude ranges from 166m to 2,588m at the highest point giving a wide range of climatic variation from sub-tropical to temperate climate. The study village Palung lies in the northern Mid-Hill region and extends from 1,708 m to 2,504 m in altitude. Although the exact period of habitation in Palung is not known, according to local people, Gopal Bansa (Gwala) Newars Kings ruled the area some 17 generations ago (during the period when Dharma Dhur King ruled Kathmandu). Out of 9 wards, Ward nos. 1 Okhargaun, 3 Podegaun and 6 Palung bazaar are settled by Newars with houses in cluster while in other wards have scattered settlements of different ethnic people.

#### **6.1.2 Land Use**

A map of Palung was prepared in 1996/97 during the field survey for the author's Master's thesis, using aerial photographs and topographic map of 1:25,000 scale. The same map was updated during the survey and village forest boundaries in each ward were marked and digitised to calculate the forest area along with wards and VDC using Arc Info and Arc View in GIS. Table 6.1 gives

the comparative picture of the area of Palung VDC with that of Makwanpur District as a whole.

**Table 6.1** Land Use Pattern of Makwanpur District and Palung VDC

	Makwanpur District, ha	%	Palung VDC, ha	%
Total	239,076.0	100.0	1734.6	100.0
Forest area	167,353.2	70.0	679.3	39.2
Agricultural land	59,769.0	25.0	788.9	45.5
Grazing	3,108.0	1.3	176.3	10.2
Other	8,845.8	3.7	88.1	5.1

Source: District Profile and GIS generated data

With the total area of VDC of 1734.6 ha, Palung occupies only 0.7 percent area of the district. The total land is divided into four major categories according to the land use. Forest occupies 39.2 percent of the VDC while it is 0.4 percent of the total forest area in the district and agricultural land occupies 45.5 percent of the district.

### 6.1.3 Forest Resource

Climatically, Makwanpur district has been divided in two types; temperate in the hills and sub-tropical at the southern lower altitude areas. Forest types found are Pine or Oak in the hills and Sal (*Shorea robusta*), Asna (*Terminalia tomentosa*), Karma (*Adina cordifolia*), Jamun (*Eugenia jambolana*), Banjhini (*Anogeissus latifolia*) in the lower areas. The total forest area has been divided into three major categories based on utilization, like Protection 50.7 percent, Production 16.3 percent and potential community forest 33 percent (Table 6.2). According to District Forest Office, total of 134 user groups have been legitimised handing over nearly 22 thousand ha (45.5percent of the total potential community forestry area).

**Table 6.2** Forest Category in Makwanpur District

Forest Type	Area in ha.	%
Protection Forest	73,268.00	50.7
Production Forest	23,599.00	16.3
Potential Community Forest	47,721.00	33.0
Total	144,588.00	100
Community Forest (Handed over) till 1999	21,692.97	out of 33.0 %

Source: Makwanpur District Forest Office, 1999

Palung VDC falls in the category of potential community forest of the district and so all the forest area could be handed over to the local people for management. 39.2 percent of the total land of Palung is covered by forest, mostly around the south facing slopes. The forest is cool temperate according to its elevation (Stainton, 1972) and mixed type with Rhododendron, and Quercus (*Quercus semecarpifolia* and *Q. incana*) as well as Pine (*Pinus roxbourghii* and *P. wali-*

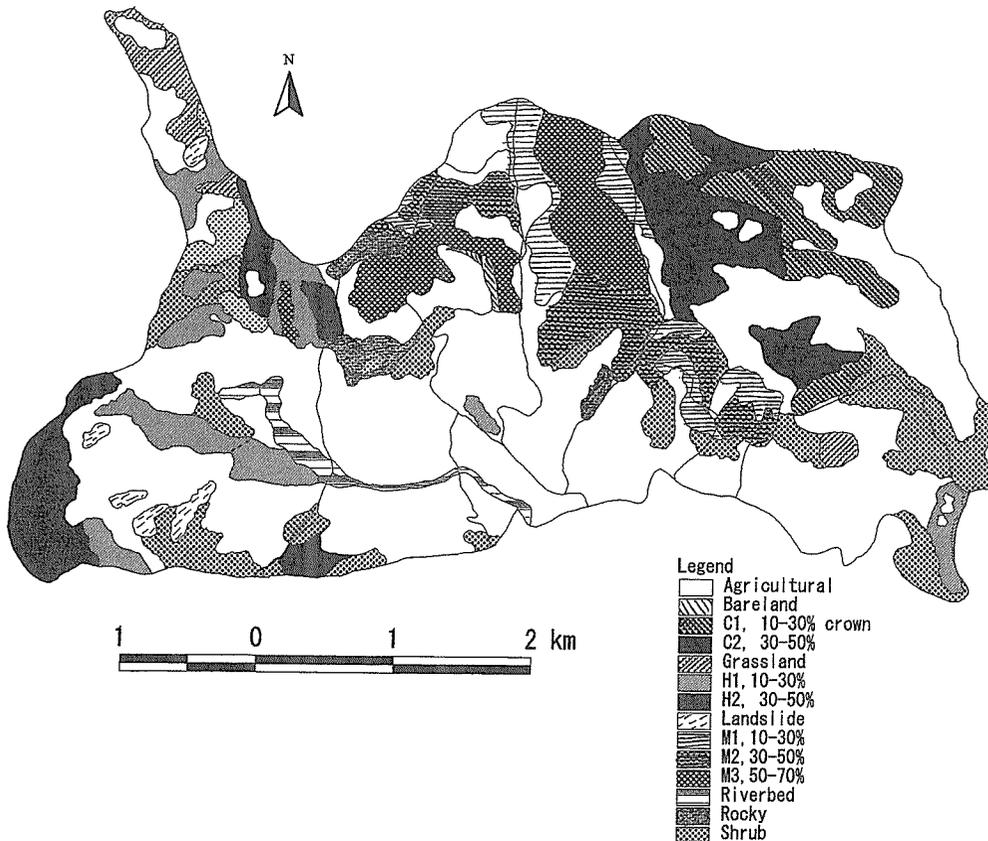
*chiana*). Coniferous forest area occupies about 30.8 percent, hardwood nearly 25.5 percent and the rest 43.7 percent is conifer and broad-leaved mixed (Table 6.3).

**Table 6.3** Types of Forest According to Crown Cover

Forest Type	Crown Cover percentage				Total
	10-30	30-50	50-70	>70	
Coniferous	100.5	109.2	-	-	209.7
Hardwood	98.1	75.1	-	-	173.2
Mixed	109	89.1	98.5	-	296.6
Total	307.6	273.4	98.5	-	679.5

Source: Data generated from GIS

The study on the change in condition of forest showed that the condition of forest has changed from dense to sparse in 16 years period from 1978 to 1996 although information on decrease in forest area itself is not available (Manandhar, 1998). About 40 percent of forest is sparse condition (10-30% crown cover) while only 14.5 percent is of moderately dense condition (70 percent or more crown cover) as calculated from GIS Arc View (Figure 6.1)



**Figure 6.1** Map of Palung with location and types of forest

Tree species found in the village was rather less as compared with Suntol where broad leaved forest is dominant. Table 6.4 shows the tree species found in Palung, which are used for various purposes.

**Table 6.4** Tree Species and Their Uses in Palung VDC

Tree Species/Latin Name	Common Nepali Names	Uses
<i>Alnus nepalensis</i>	Uttis	t
<i>Camellia kissi</i>	Hinguwa	fw
<i>Castanopsis indica</i>	Katus	fo, t, fw
<i>Celtis australis</i>	Khari	fo, fw
<i>Euraya acuminata</i>	Jhingane	fw
<i>Ficus hispida</i>	Kharseto	fw
<i>Ficus nemoralis</i>	Dudhilo	fo, fw
<i>Ficus roxburghii</i>	Nimaro	fo
<i>Lyonia ovalifolia</i>	Angeri	fw
<i>Michelia champaca</i>	Champ	t
<i>Pinus roxburghii</i>	Khote sallo	t
<i>Pinus wallichiana</i>	Gobre sallo	t
<i>Prunus cerasoides</i>	Painyu	fo, t, fw
<i>Pyrus pashia</i>	Mayel	fw
<i>Quercus glauca</i>	Banjh	fw
<i>Quercus incana</i>	Banjh	fw
<i>Quercus semecarpifolia</i>	Kharsu	fw
<i>Rhododendron arboreum</i>	Gurans	fw
<i>Schima wallichii</i>	Chilaune	t, fw

Note: t - timber; fw- fuelwood; fo- fodder tree

Observation of the types of wood collected by households show more Rhododendron, Oaks and Pine are used as fuelwood although all woody plants serve as fuelwood. People however prefer bigger sized branches than smaller woody plants like Pyrus or Lyonia spp. Only one kind of tree Dudhilo (*Ficus nemoralis*) is found from among the fodder tree but the tree leaves serve as animal bedding to be used as compost. The common species, like Kutmero (*Ficus cunia*), Tanki (*Bauhinia purpurea*) or Koiralo (*B. variegata*) and Badahar (*Artrocapus lakoocha*) are not found in Palung. The sustainable growth of the tree species is necessary for the continued exploitation of fuelwood and fodder from the forest. The fuelwood consumption study showed that 2.5 percent of tree regeneration is required for sustainable supply of fuelwood for the village and that due to the heavily lopped trees and old oak/Rhododendron trees, 2.5 percent regeneration would be difficult (Manandhar, 1998). The tree age was not known as almost all trees were natural grown except few Pine trees planted some ten years before.

An increment borer method was applied to find tree age of the trees bigger than 10 cm dbh and checked the annual rings of trees from the surveyed quadrates. The annual rings in broad-leaved trees are difficult to ascertain than pine and could generate just a rough idea of the forest age. Pine trees were found

younger, 10–15 years (plantation ones) besides some natural grown ones, which are younger than 50 years. Almost all the oak and rhododendron are found much older than 50, some even more than 100 years. Regeneration of tree species are mostly through seedling in case of Pine while coppice regeneration was observed for broad leaved trees.

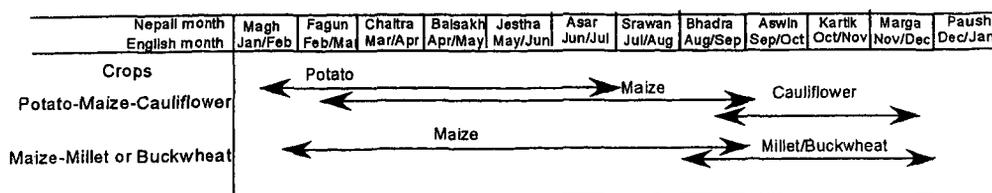
#### **6.1.4 Forest Resources Users**

A total population of 6,454 residing in 977 households have been using forest products in Palung (VDC Office, 1998). Gender wise, female population is slightly higher than the male with a ratio of 1:1.05. 38.6 percent of the total population comes under 15 years and 53.6 percent is the most economically active population between 16 to 59 years, 7.8 percent is above 60 years of age. Palung is also a multi ethnic village where the ethnic people like Tamang and Magar live scattered in the higher hills while the caste people like Brahmin, Chhetris reside scattered at the lower part of the hill. The ethnic group Newars live in clusters at the lowermost part in the valley or level terraced areas. Although Newars are the earliest settlers in Palung, they are second largest group (28.2 percent) and the Chhetris constitute more than Newars (30.3 percent).

The data from the village indicate that there is a close relation with the ethnic groups with that of literacy as well as economic level. For example, the Tamangs living in the less productive land show less literacy and low in economic level than those living at the lower part of the hill with an exception of Podes, the occupational caste of Newars with low literacy rate. Ward no. 5 consists of highest percentage (78 percent) of literates while ward no. 3 comprising of Podes has the lowest percent (48.6 percent).

As regards economic level, land holding serves as an indicator. Majority of people (87 percent) are small farmers owning less than 1 ha and are involved in farming. Only 7.5 percent of the farmers are considered big farmers owning more than 1 ha. land and the rest 5.0 percent falls under the category of landless. Agriculture is the main income source of 87.6 percent of households of Palung while 12.4 percent also have income source from service.

About 80 percent of people are involved in agriculture. Agricultural system is changed from subsistence to commercial within the period of last ten to fifteen years. Cropping pattern and crops grown are remarkably changed. Palung has been known as a source of vegetables specially potato for Kathmandu since more than 10 years. Besides, vegetables like cauliflower, cabbage, and radishes are grown for income. The area of paddy growing land decreased due to 1993 flood, which damaged the irrigation canals and so people started growing vegetables than paddy. Since then the cropping pattern in the valley as well as in the hills have changed (Figure 6.2). Paddy cultivation is hardly seen at present but farmers like to grow paddy only for their consumption. The figure shows planting of potato and maize within a month's period on the same plot of land and planting cauliflower seedlings after harvesting potato. Growing vegetables is getting



Source: Field Survey, 1999

**Figure 6.2** Major cropping Pattern in Palung VDC

popular and people living in the higher hills also started vegetable cultivation. Thus, gradually farming has gone commercial from the subsistence. Since there is no institution dealing with vegetable transportation, there was no record of the amount of vegetable sold from the village.

Livestock raising is important for the farmers as they provide manure, nutrition and income. According to the data, Tamangs hold more animals (4.83 TBU) than other groups except for buffalo holding. Chhetirs hold more buffalo than Tamangs and Newars hold the least animals (Table 6.5).

**Table 6.5** Average Livestock Holding Per Households in Different Ethnic Groups

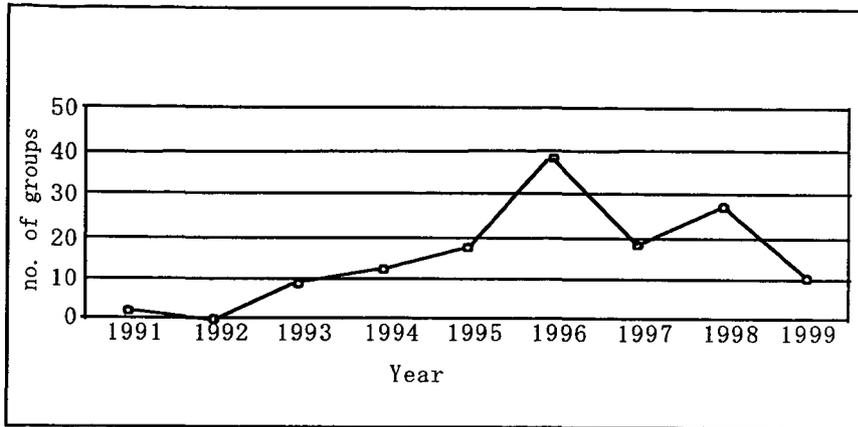
Households (HH)	Ave. TBU per HH	Ave. no./HH Cattle	Ave. no./HH Buffalo	Ave. no./HH Goats
Chhetri (n=31)	3.48	1.26	1.42	5.03
Newar (n=20)	1.80	0.70	0.65	2.75
Tamang (n=16)	4.83	2.90	0.50	8.90
Brahmin (n=11)	3.50	2.18	0.91	4.18
Magar (n=10)	2.70	0.90	0.80	5.20
Other (n=10)	1.93	1.00	0.50	2.90

Note: TBU: Tropical Bovine Unit

Source: Field survey, 1998/1999

## 6.2 Status of Community Forest User Groups

There were no record on the PF and PPF but some of the forest area have been handed over to the local groups even before the implementation of community forestry act as shown in Figure 6.3. Two groups have been registered in 1991. However, the groups increased after the implementation of the new forest policy in 1993. Once some groups were handed over, a synergy effect works initiating the neighbouring people in the formation of groups and increased the groups in the later years. The slow process of handing over in the beginning was also said to be due to the confusion among the staffs responsible in the process since they were trained in the protection-oriented forestry and not aware to work with the people incorporating their needs. Again they were reluctant to hand over management of forest as it concerns with the handing over of power they hold.



Source: Makwanpur District Forest Office

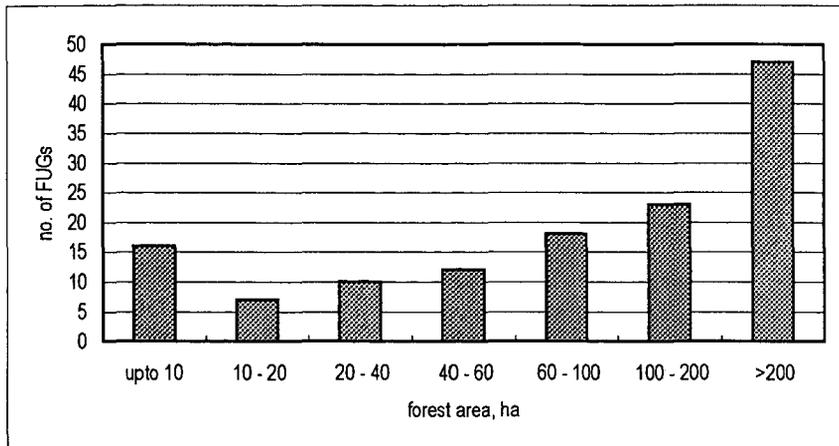
**Figure 6.3** Trend of forest handing over to FUGs in Makwanpur district

The year 1996 seemed to be a peak attaining maximum number of groups handed over and gradually decreased in later years. There is more than 50 percent of potential community forest area remaining to be handed over but the process is already slowed down. This may be because most of the areas of scarcity have been handed over remaining could be with those inactive people and less scarce area. Scarcity is a major factor leading people to participate in community forest management programme.

People were given right to decide the area of forest for handing over and no strict rules to limit forest area per group or the number of households in the group. Most of the groups follow the administrative division, as the users feel comfortable to have discussion although there were users from other VDC. Makwanpur district consists of higher percentage of forest area (70%) and so larger forest area per user group was possible. For instance, 47 groups have more than 200 ha/group while only 7 groups have less than 20 ha/group (Figure 6.4).

However, the relationship of forest size with that of the effective management has not been studied particularly after the policy implementation regarding people participation.

In Palung VDC, initiation of forest user groups started with the natural disaster of landslide and flood in 1993. Observations in the control of forest use by the formation of groups in the adjoining Daman VDC also contributed in group formation. Prior to 1993, people from Palung specially from ward no. 1, 2, 3, 6 and 8 freely use forest of Daman VDC across the river, easily accessible to some people from Palung than within the village itself. With the initiation of community forestry, people from Daman started formation of user groups and control the use of forest resources from Palung people. This led people in Plaung to start



Source: Makwanpur District Forest Office

Figure 6.4 No. of FUGs with respect to forest area handed over

formation of groups in each ward. Here the hypothesis of 'U' curve that regeneration of forest start mostly after a complete deforestation with the effort of conservation and protection (Nagata, 1994), does not apply as such because of the initiation of community forestry programme. Forest resources have degraded but at a slower pace and not complete deforested. The starting of community forest management already controlled the degradation process. This forest management system also adopted the similar idea imposed during the Rana regime that people could collect forest resources except live branches or wood. During the Rana regime, forests were controlled by the local functionary, called *jimmawal* who was responsible to collect land tax from 4 VDCs around Palung. He was also responsible to control forest from the use of forest resources for commercial purpose. An informal system of check and balance worked even after elimination of *jimmawal* system. Another reason of less deforestation in Palung could be attributed to its location away from the big city Kathmandu. Thus, the impact of forest nationalization act was rather less in Palung than in Suntol where forest was severely degraded. If the local indigenous system were not operating, forest in Palung might also have been without vegetation and as experts estimated with extreme pessimistic view that the forests in Nepal will be bare in the coming decade, which also commented by Thompson and Warburton (1985). It can be concluded that people were aware and took care for the forest for their utilization from years before.

Many studies have shown that management of forests is more effective and sustainable among the indigenous groups (Fisher, 1989; Shimizu, 1994; and Gautam, 1991). But it also depends upon the condition of forest and the environment. The FUGs in Palung could be called indigenous according to the definition

of Gautam (1991) that the organization or group developed from within the country without the influence of outsiders. In Palung, the term *self-replicated* group is used since they were formed with the influence from groups in adjoining VDC without the influence from government or non-government agencies.

Altogether 8 user groups have been formed from each ward having forest area (Table 6.6). As in Suntol, ward nos. 1, 3 and 6 do not have forest area and thus had to join other group in the same or different VDC. Some 30 households from ward no.1 Okhargaun have taken right to use forest in neighbouring ward no.2 Khanigaun on the basis of proximity and traditional users and another 20-30 households from same ward no.1 joined the forest group of neighbouring Daman VDC. People from ward no 3 also tried to use forest located in Ward no.2 showing the cause of the construction of inlet water tank for their drinking water system. Only people from ward no.6 have been avoided from using forest resources from both the VDCs except to be as indirect users by the exchange of resource with people from other wards. Some of them from ward no.6 remain as indirect users as they buy or exchange fuelwood for food (Table 6.6).

**Table 6.6** Forest User Groups and Their Characteristics in Palung VDC

Forest User Groups	User Households	Forested Area, ha	Registered, ha	Handover status	Dominant ethnic	Remarks
Khanigaun, 2	172	230	51	on process	Newar/Tamang	Register in parts
Bhalukhola, 3	63	NA	NA	No plan	Pode/Newar	Use forest of WN2,
Mangale-swore, 4	104	136	210	on process	Chhetri	Conflict with Tamangs
Pataleswore, 5	36	72	125	1998/9/1	Brahmin	small group
Lekhpatle, 7	150	41	139	1994/5/24	Chhetri	inactive
Kalidevi, 7	20	0.95	0.95	1994/5/25	Chhetri	Also use Lekhpatle
Gairigaun, 8	NA	19	-	on process	Magar	Leasehold convert
Phedigaun,	NA	163	-	No plan	Tamang	no group formed

Source: Field survey, 1999

Note: NA = Not available

The forest area per group is varied from as small as 0.95 ha for Kalidevi FUG to as large as 230 ha for Khanigaun FUG. When viewed from the perspectives of man-forestland ratio (total forest land divided by total members of the user group), it was found that it ranges from a low of 3.0 person/ha in Patleswore FUG to a high of 17.6 person/ha in Lekhpatle FUG. This implies the prevalence of a great disparity in the forestland allocation among the users under community forestry. The size of the user groups in Palung varied from a minimum of 20 to a maximum of 172 household members for the area from less than 1 ha to 230 ha. Unlike in Suntol, the forested area is more than those registered in Palung. Except the Khanigaun group, which has registered only a part of the forest area in the beginning and planning to register the rest, other groups have registered the area only with the observation and no measurements. The reason is not clear

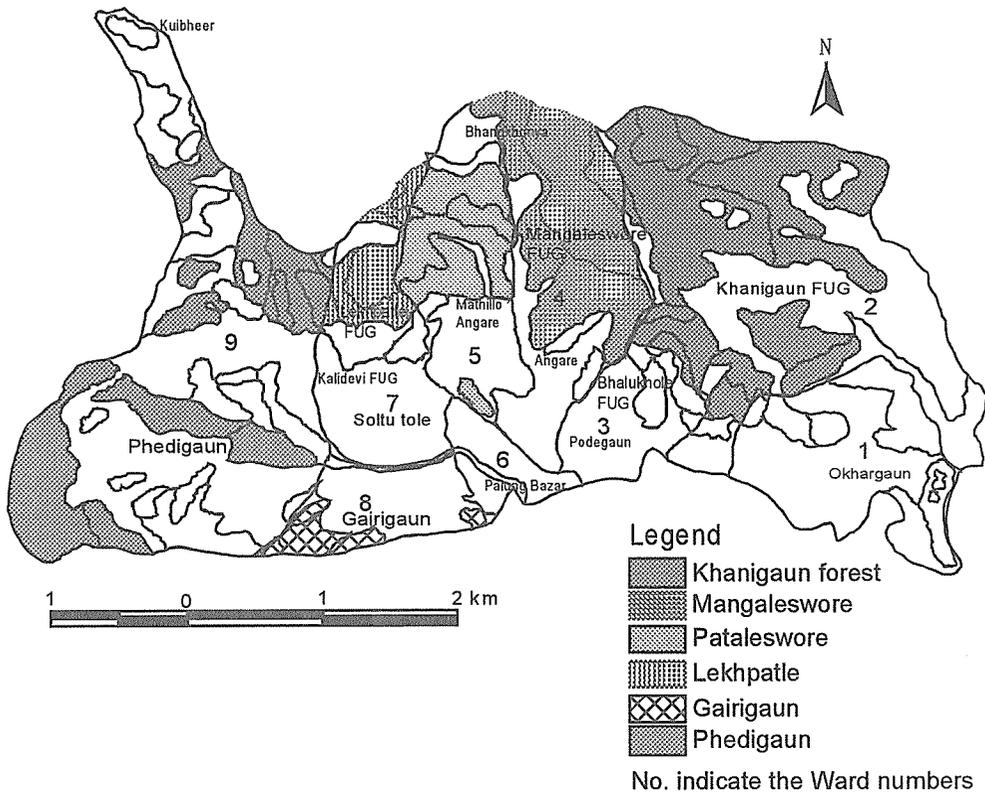


Figure 6.5 Forest with respective FUGs in Palung VDC

whereas they guessed the area or deliberately planned for only a part to be handed over. However, it was observed that people treat the forest area within the ward as their forest and apply the rule they formed.

The pressure on the forest in all the forest area is also different due to different household size and livestock holding (Table 6.7). The Table shows that forest Lekhpatle is having the high pressure from human as well as animals and a group already registered but not functional. In other forest areas the pressure is more or less similar. For this the average household size and average animal per household were calculated from the household survey.

Table 6.7 Forest Area in Relation to Human and Livestock in Palung VDC

Forest User Groups	Household size	Household per ha of forest	Animal per Household	People per ha of forest	Animal per ha of forest
Khanigaun	6.6	0.7	4.6	4.9	3.4
Mangaleswore	6.1	0.8	5.4	4.7	4.1
Pataleswore	6.1	0.5	5.1	3.0	2.5
Lekhpatle	4.8	3.7	3.9	17.6	14.3

Source: Field survey, 1999

### **6.3 Local Forest Management Under Community Forestry**

#### **6.3.1 Operational plan**

After a forest user group is formed, and registered at the District Forest Office, it is incumbent upon the group to manage and utilize the forest and forest products in accordance with the rules and regulations set by the group itself. However, according to the forest act of 1993, it is only upon the approval of the operational plan, developed by the user groups in conjunction with the field staff of DFO, that the users' right to manage and utilize the forests is legitimized. The users are supposed to make their own decisions about the management objectives, rules and administrative arrangements and users' contributions. It is pertinent to mention here that some of the groups are still waiting for approval from the DFO (ward no. 2, 4 and 8) while some groups operate with the rules but without a plan to submit for registration (ward no.3, 9), as informal groups. So out of 8 groups only 3 have approved operational plan from ward no. 5 and 7.

Operational plans were prepared by the groups following the format from the District Forestry Office and contain all the activities for the management and conservation of forest, such as pruning, weeding, singling, planting etc.

The purposes of forest management as mentioned in the operational plans are;

- 1) to make available the forest products like fuelwood, grass, leaf litter to the member households
- 2) to obtain wood for their own use
- 3) to protect from soil erosion
- 4) to conserve water springs for increasing water source, and
- 5) to make environment clean and green.

The implication of the policy, which laid down a requirement of the preparation of operational plan, seemed that it is just for the registration and handing over since all the activities are rarely undertaken. Furthermore, the operational plan of the entire user groups studied were almost the same as they copy from one another. The objective of operational plan is to make the users aware of the things they have to carry for management of forest but the question is whether the users have resources and time to carry the said activities. In principle, the operational plan should be prepared after a good study of the activities necessary in the particular forest and should include what could be undertaken (Hobley, 1996).

The main activities to be carried out in forest management are the silvicultural operation like pruning, weeding and thinning. The operational plan should be more practical and require some orientation or practical demonstration to the users on the silvicultural operation. As stated by Branney and Dev, the operational plan should also have some flexibility as well as realistic (in Hobley, 1996). The users need to discuss what to be included in the plan before submitting the plan as such and not to carry out in practice. So there is a need to reform the rules

more precisely in a practical way.

For carrying out the activities mentioned in the plan, there is also a lack of technical support from the part of government. A closer look at the activities of the District Forest Office for the fiscal year 1999/2000, out of 20 headings, large part of the programmes (50 percent) focus on the user groups orientation, training and inter-group networking orientations which needs involvement of the Rangers and Ilaka level staffs (Annex-7 shows the annual plan of activities of Makwanpur District Forest Office). Except one time supervision and monitoring to the user groups programme, there are no specific programmes for the forestry development programmes from the District Forest Office.

The rules and regulations exist concern with the use of forest products, activities for protection and management and activities prohibited in the forest area. A common rule applied for all the user groups, formal or informal, that 'felling of any live tree for fuelwood collection is not allowed'. Only the dry and dead branches can be collected on the days open for the users to collect the resources. Forest is open to the users once or twice a week or few days a year according to the condition of forest. However, the regulation has no direct relation with the condition of forest and depends on the consensus of the users. On the days open for collection, the users are allowed to collect only the dried and dead ones and leaf litter. Extraction of stone, soil from within the forest and grazing in the forest area are also completely prohibited in all the user group forests.

All the user groups have set their own kind of rules for the offenders especially in the case of amount charged for punishments. It varies from Rs.10 to Rs.100 or more depending upon the type of offence. Each user group has the punishments fixed though they have not prepared the operational plan. There is no relation of implementing punishment to the offence with the formal or the informal user groups. The rules of the respective user groups are shown as follows;

- 1) no felling of live tree for fuelwood
- 2) collection of dry, dead branches, twigs twice a week except Kalidevi UG.
- 3) Kalidevi UG open forest few days a year for pruning and auction with priority to the members then to outside. Grass and leaf litter also auction 2-3 months a year for the highest bidder.
- 4) Issue coupon for the entrance to forest with payment of Rs.2 per person in Khanigaun UG and divide the pruned materials among themselves for Rs.5per load.
- 5) FUGs meet once a month and general assembly once a year, more if necessary.
- 6) Members pay for the watchman in Khanigaun, turn by members in others.
- 7) If violates, offenders punished to pay the amount set for different activities like grazing, fuelwood collection etc.
- 8) Pruning to be conducted in half to one ha. per year.

Looking at the operational plan and the records of the meetings, it was found

that the rules specially in case of the offence are strongly carried out in almost all the groups with an exception of one formal but inactive group of ward no.7. Charging on the offence is one of the income generating activities for the group and so carried out by almost all the groups.

The guidelines on Forest User Group formation indicate the provision of auction of forest products if they are excess for their use. In view of the income generation for the user group, they apply auction for the resources like fuelwood or leaf litter. Though the priority is given for the user members first it went to outsider as in Kalidevi FUG for fuelwood and to the same person for leaf litter. Other groups have not started auction for fuelwood yet but it may be possible that all group practice the system as it generate income. Some groups auction wood when the wind or other natural process damages the trees. If this happens people from low-income families will have no chance in using the products. This factor has to be taken care by the committee as well as the forest office. Usually the executive committee does not represent the lower marginal people so the need of such people may go unheard. At such condition the forest department could play an important role.

### **6.3.2 Forest Management**

The main objective of forest management is to make available the forest products for the local peoples' use as stated in the community forestry policy. In Palung more people are dependent on forest resources due to cost and not easily accessible to other alternatives. The forest products like fuelwood, fodder, leaf litter and timber including non-timber forest products such as medicinal herbs are the materials collected by the people in Palung.

The forest nationalization had little impact in Palung, which can be seen from the condition of forest. There were mixed responses regarding the availability of forest resources after the initiation of community forestry programme. Most of them (42 percent of 66 households) felt less availability due to the control measure in collection, as they were free to collect for their own use in the past while some 21 percent responded no change because they have been using resources from their own farm.

Nearly 72 percent of the households realized that the quality of forest has increased due to control in cutting fresh or green trees unless approved for emergency. They realize that the control measures taken would do good not only for themselves but also for the whole community as they have more resources once the condition gets better.

The per capita fuelwood consumption of the village was found to range from 0.1 to 2.4 kg per day or average of about 1.2 kg/capita/day as shown from direct measurement (Manandhar, et al., 1998). There was no record of fuelwood consumption before the implementation of community forestry. According to local people, they tend to keep fire live all the day and night during winter when there were plenty of resources.

According to villagers, they collect on an average 64 bhari back load (average 50kg) in a year making it a total of 3,200kg which shows similar result from the direct measurement of 20 households, about 3,102 kg for a house with household size 6.8. People from ward no.1 and 3 where no forest area exist are the indirect users because they purchase fuelwood from those in other wards. The scarcity led them to use other alternative sources like kerosene stove already using by nearly 10 percent households. Besides 30 households mostly from bazaar area have installed bio-gas.

Another resource in use is the leaf litter, which can be collected two times a week where the group is active. The study found that on an average 51 bhari (51x40kg) per household is collected from forest. The amount of leaf litter collection depends upon the presence of women member in the household, as it is the work of women. To the response on availability, 30 percent households realized the litter increased due to control measure but 26 percent of households feel not much change.

One of the main purposes of forest management was for timber wood to have an easy access when in need of the construction of house or animal sheds. One need to apply for the requirement of wood with reason to the committee which decides the amount of wood or trees to be provided and mark the trees in the forest area. Different groups have different parameters such as Pataleswore FUG provide 3-4 trees for new house construction while Mangaleswore FUG provides only 2 trees. Kalidevi FUG do not provide because the planted trees are not yet suitable to use as timber.

Management of forest concerns with the implementation of rules formulated by the users themselves. In case of Palung it meant opening of forest twice a week for collection of resources, (Wednesdays and Saturdays or Tuesdays and Saturday). This certainly limits the amount of collection but somebody needs to closely watch whether people offend the rules. Some groups employed watchers to go around the forest area on closed days and on open days they need to closely watch if somebody collects wood rather than prescribed. The user groups required to form an executive committee, which consists of 11 to 13 members selected or elected by the user members.

Studies have shown that the main forest resource users are the women since they are involved in the collection of fuelwood, leaf litter and fodder (Fisher, 1990; Kobayashi, 1998; and Wickramasinghe, 1994). But looking at the composition of the user committee, they are always dominated by men and no representative from women in the committee. In Palung only two user groups have included 2 to 3 women in the committee as shown in Table 6.8. The table also shows that the formulation of the rules does not limited among the formal group but also the groups, which have not been registered.

According to the policy, the group needs to be registered with their management plan in the form of operational plan. The management capability of the

**Table 6.8** Forest Management Rules of the User Group in Palung VDC

User groups	Exe.Com.mem.		Committee Meeting	Control measures	Remuneration for watchers	Forest open for collection
	Male	Female				
Khanigaun	9	2	twice a month	1 watcher	Rs. 13/hh	twice a week
Bhalukhola	11	-	NA	2 watchers	Rs. 50/hh	twice a week
Mangaleswore	8	3	once a month	2 watchers	Rs. 40/hh	twice a week
Pataleswore	13	-	once a month	watch in turns	users take turn	twice a week
Lekhpatle	11	-	not regular	no watchers	No watchers	once a year
Kalidevi	11	-	once a month	watch in turns	users take turn	closed
Gairigaun	11	-	not regular	no watchers	No watchers	closed
Phedigaun	NA	NA	NA	no watchers	No watchers	closed

Source: Field survey, 1999

Note: Exe.Com.mem.= Executive Committee Member; NA= Not Available; hh=household

group was found from records as well as interviewing the committee members and users. There were formal as well as informal groups in operation. The informal group is also called as interest group according to Fisher (1991) and Shimizu (1994). It is not necessary that the formally registered group manage forest effectively as the registered group of Lekhpatle is not functional. Nor did the presence of written material in the formal ensure management because the indigenous groups do not have written materials but work effectively (Fisher et al 1990).

The effectiveness of the group can be seen from the meetings whether it is held regularly or not. In Palung from the records, it was found that the meeting held once in one or two months and sometimes additional meetings for immediate problem solving like that of offences. It is interesting to see the records of discussion during meetings. Usually the discussion held about the fines imposed to those who violated the rule, discuss on the watchmen or guard whether take turns by the user families or pay for hiring guards and discuss about the application demanding the need of wood for house repair or construction.

### 6.3.3 Decision Making

In order to be a formal or informal group, the users group need a committee to regulate the necessary things since meeting all the users every time would be too difficult. The committee is a group of representatives from among the users to handle the meetings and discussion for the users. The committee members are selected or elected by the users through a general assembly to be conducted once a year at least.

All the user groups practice a democratic way of decision-making. The committee members discuss and come up with suggestions, which will be finally endorsed by the users during the general assembly for action. When the group is small, the monthly meeting of the committee also included general members but when the group is big only the committee members have monthly meeting and have general assembly once a year or more if necessary.

The discussion among the villagers regarding decision making, 62 percent replied that most of the decision were made by the users during the general assembly held once a year. The discussion in public is the job of men and very rarely women participate in such gatherings. The executive committee of all the user groups does not include women and so there is no role of women in decision making. Women are the ones who are directly involved in the collection of fuelwood and leaf litter as elsewhere in the country. The attempt of involving women in the decision making position is still a long way in Palung unlike in Suntol.

#### **6.3.4 Sharing benefit from community forests**

The master plan on forestry emphasized that the benefit should go to the local community, the users made rules to share the benefit equally. Utilization of forest products is limited to certain products, like dry, dead twigs for firewood, dry leaf litter. These could be collected at the times of forest open days either twice a week or once a year. The forests are not well stocked for wood and so no wood will be produced but if there is a serious need for a user household, the committee checks the condition of the household and mark 2-3 trees depending upon the case for use. Certain nominal charge will be taken from the household, which will be collected in the group's fund.

Another type of benefit sharing found in the village is the collection of biomass during pruning and weeding, conducted once a year and share among them equally with a small charge per load. In some cases, all the pruned materials were collected and auctioned.

Palung has not felt scarcity of resources and are not closed for collection of resources, open at least two times a week. None of the groups had thought of other income generation activities from the forest as in Suntol VDC.

## **7. Trends in Community Forestry Policy Implementation**

This Chapter deals the results of the study related to the impact of the changes in forest policy and the recent trends in community forestry implementation.

### **7.1 Evolution of Forestry and Community Forestry Policy**

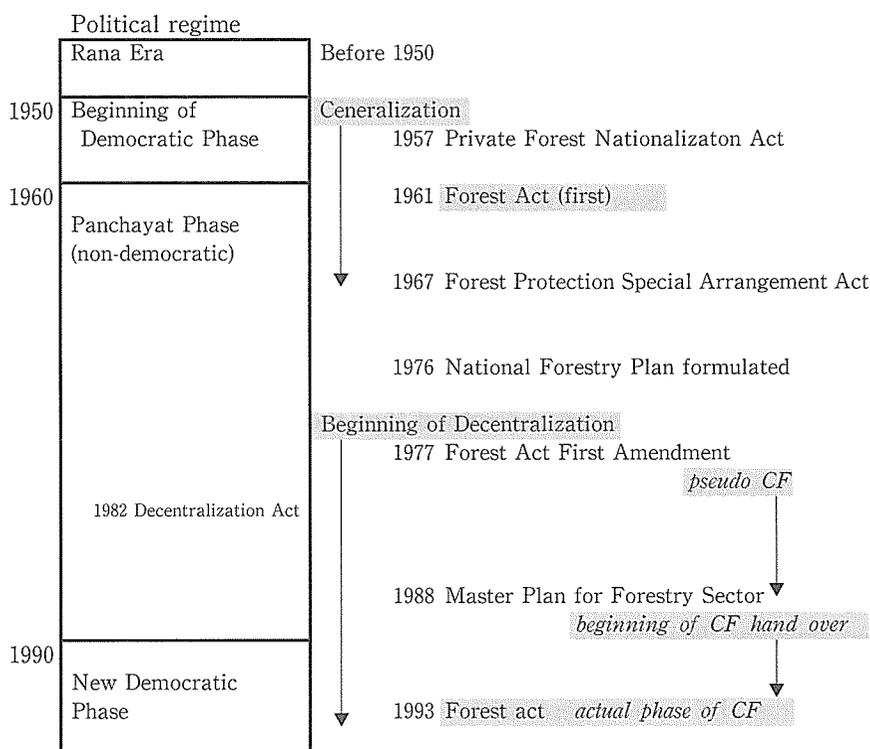
Forest policy in Nepal has been significantly influenced by economic, social, geographic and political factors (Wallace, 1988). The fifty years history of the country reveals that there have been changes not only in forestry policy but also in the political system. Community forestry policy has evolved out of the need in forest management after various attempts from government to manage forest under its control failed. Since forest is an integral part of the hill farming system and people use forest products like fuelwood for cooking, timber for house construction and agricultural implements and leaf litter for animal bedding and

compost fertilizer making. The importance of forest was realized as early as year 1752, evidenced from the legal codes of King Jayaprakash Malla of Kathmandu and Ram Shah of Gorkha districts stating not to cut trees at water springs and roadside trails (Oli, 2000). However, the succeeding governments aimed to use the forest resource to generate income either from land tax or from wood as export material influenced by the Western countries. The prohibition of forest use by rural people has first been implemented with the enforcement of Private Forest Nationalization Act of 1957, which was a move to give the Department of Forest a full responsibility to manage and protect forestland (Pandey and Yadama, 1990). This protection oriented forest policy without providing any alternative to the users created antagonism and thus escalated deforestation. The Special Arrangement Act, which gave power to the staff as a role of policemen to control government forest. People misunderstood that the State was taking away their right of free access and use of forest creating considerable antagonism towards the Forest Department (FAO/World Bank, 1978).

The Panchayat Forest and Panchayat Protected Forest rules (1978) formulated to involve people in forest management was said to be the basis of community forestry or pseudo CF, that it involved the elected leaders instead of the users in the management. Due to the lack of direct benefit to those involved in forest management, the authority did not show much interest thus failure of the programme. Thus, the involvement of the real users of forest was anticipated and incorporated the community forestry policy. After nearly a decade of this community forestry programme implementation, it has been reported as a successful one and said to be the first in the world. This model of community forestry provides all the responsibility and rights to use all the benefit by the community, unlike in other forestry system where people need to share the benefit to the government. The assurance of reaping the benefit from forest, people come forward to take the responsibility with handover process (Table 7.1).

Community forestry with its people oriented programme was able to gain support from different outside donor agencies and so able to expand it in all the districts. The number of groups is increasing day-by-day showing the record of a total 10,212 user groups handed over the total forest area of 773,818 ha by June 2001. The total area handed over comes to about 31.7 percent of the potential community forest for handing over (CPFD, 2001). Still more than 68 percent of potential community forest area remaining to be handed over to user groups.

Community forest management programme is a unique programme evolved out of the need of people and supported by the policy. However, there are various groups involved in the implementation with different hope and intensions. The stakeholders in the programme implementation are the state and government staff or the local functionaries authorized to control and the public in the consumption part and a separate stakeholder, the donor agencies which support for forestry development (Table 7.2). Malla (1999) argues that whether there are

**Table 7.1** Evolution of Forest Acts and Plans for Forest Management

stated objective from the state or government, the unstated objective always has been income generation for the state as in western countries. Implementation of community forestry also limit people for commercial exploitation as the objective made it clear for the basic need of the local people. The implementers from government side have mixed feeling for community forestry with respect to the formation of groups as they are not willing to give away their power. Similarly, the local people also have various feeling that only some gain more than the real needy ones with the rules set according to the guidance.

## 7.2 Characteristics of Study Areas

Community forestry has drawn the attention of researchers who focused on various aspects to develop models (Molnar, 1981; Arnold and Campbell, 1986; Fisher, 1989, 1991; Gilmour, 1990; and Chhetri and Pandey, 1992). The geographic distribution was taken as a basis for the study conducted by Molnar (1981) while Arnold and Campbell (1986) focused on harvesting practices. Chhetri and Pandey (1992) filled the gap of information from the western Nepal. Most of them concentrated from the area where forestry projects have been supported by the international donor agencies or those with indigenous forest management practices. Therefore, a very little information is available about the community

**Table 7.2** Use of Forest by Various Stakeholders with Specific Interests

Period	State	Local functionaries/ Government staffs	Farmers	Donor Agencies
Prior to 1950s	Control forestland, open for agriculture, generate tax revenue.	Participate government's production programme.	Get hold of more forestland due to high land tax.	-
1950s - 1960s	Control of land by nationalization interest to get hold of control over forest resources, timber exports.	staff support government's policy and exercise power, while local functionaries disappointed losing power, recognition. Some deliberately exploited forest resources to fail new policy.	Access in Tarai resettlement and get free land migrate from hills for the opportunity.	Financial and technical assistance and to influence own political ideology and recognition. Take opportunity to test technology and market.
1960s - 1990s & till date.	Adopted community participation in forestry & national parks, attract many donors for plantation and use people as laborers, access to farmers for basic needs only.	Mixed feeling among staffs on CF, some feel losing their power to farmers while some aim to get opportunity to visit foreign country, limit the use of forest by villagers for basic needs only. The village elites take opportunity of control over resource winning confidence of staffs.	Mixed feeling about CF handing over, some feel giving power to elites while some feel to get free access to forest as users and maintain their livelihood.	Opportunity to test new research & innovation, shift focus to rural devt., propagate own development philosophy, employment and maintain their presence.

Source: Adopted from Malla, 1996

forestry programme implemented through the government machinery. The focus areas of this particular study being located in the central Nepal show different characteristics in management practices just because of the difference on the type of forest existed and location related with city. The following paragraphs show some similarities and dissimilarities of the two study areas.

The areas selected for the present study lie in the Central Nepal having similar socio-geographic features but with difference in terms of the type and condition of forests. The following two case studies provide differential aspects of management of community forests. The community forest in Suntol VDC is dominant with broad-leaved forest with much degraded condition, while in Palung VDC, it is dominated by conifer trees with lesser degradation. Though the study areas lie in the similar altitude and topography i. e., the middle hill region, yet the extent of community involvement and rules regulations in these two areas differed. Table 7.3 and 7.4 summarizes the similarities and differences of the two study areas, Suntol VDC and Palung VDC.

As mentioned above, the similarities of the two fields are in terms of their location, altitude, accessibility, people and farming, while the dissimilarities is mainly due to the style of forest management. It is interesting to note that the forest of Suntol, being near the city as well as composed of more broad leaved

**Table 7.3** Similar Characteristics of the Two Study Villages

	Descriptions
Location	River valley
Altitude	Around 1,500 - 2,500 m
Access	Easy access by road
People	Multi-ethnic/caste, localized groups
Agriculture	Intensive farming, vegetables as cash crop
Forest management	By a number of user groups, ward basis
Programme Support	HMG/NRMSAP

**Table 7.4** Dissimilar Characteristics of Two Study Villages

	Sankhu Suntol VDC	Palung VDC
Forest type	Broad-leaved mixed dominant, Schima-castanopsis	Conifer dominant mixed, Pine-Oak-Rhododendron
Forest nationalization	Impact high	Impact low
Forest condition	Heavily damaged, 10-30% crown cover	Degraded, crown cover up to 70%
Regeneration	By coppice	By seedling
Forest use	Closed except two times a year No access to government forest	Open two days/week Access to govt. forest
User groups	All registered	Only few registered
Income generation	Started by one group	No such programme
Networking	Forest Range post level, active	No Range post level networking

forest, appeared to be more affected by the forest nationalization Act, while the forest area far away from the city and more conifer forest was less affected. This implies the effect of the physical proximity of the forest to the city, which requires the use of substantial amount of forest products for various purposes. On the other hand the forest, which followed indigenous management practice and is away from urban areas remained less affected by the Act.

The difference in implementation of community forestry was found on how the programme was implemented such as, with the support from donor agency or only under the government programme. Both the study areas started the programme with support from the government and World Bank loan programme in 1994. Community forestry programme got popularity not only in the country but world over and thus attracted international support for implementation to meet the required budget. Various international donor agencies have started supporting in the implementation of community forestry programme, as shown in Figure 4.1.

The budget allocations also play a key role in the degree of success and progress of the programme implementation. An annual budget of Makwanpur district for the year 1996/1997 is NRs. 973,000.00 (Makwanpur District Forest Office, 1996) while in case of the annual budget for the district supported by NUKCFP for the same year is NRs. 7,509,582.7 or NRs.4,850,314.2 per district in Koshi Hill areas (NUKCFP, 1997). NUKCFP emphasize on the human resource development for the implementation of the programme including further education as incentive for the technical staff who are directly involved in the implementation of community forestry programme. Limited financial assistance from the government for the District Forest Office hinders the incentive for the staff as well as lack of technical support for the user groups in the district.

The location of village in relation to the market affects the condition of forest because people could have quick access to the market. Suntol VDC being near to the city with market opportunity, ended up with the damaged forest before the starting of community forest. Palung located away from city with less opportunity for market and people were not much involved in exploitation resulting in less degraded forest condition. It was found from the survey that there are few bigger sized trees in Suntol than in Palung. On the other hand, the condition of forest also affected due to the forest type as most of the broad-leaved trees have multiple uses than conifer trees and exploited almost all in Suntol. It can be seen from the coppice regeneration that the trees have been cut almost to the ground level.

The local people were blamed for the forest degradation but there are other forces involved as forest areas were under the control of local functionaries, the Talukdaars or jimnawaals. According to Malla (1999), the Talukdaars previously authorized for the control of forest could have played a vital role in damaging the forest. Malla further stated that it could have been an attempt of sabotage the

new system a failure, since they lost all the respect and authority once gained because of the forest nationalization. The local people report that they could see people coming from other areas to collect wood and could not do anything, as control work was the responsibility of forest guards employed.

While in the case of Palung VDC located away from the city Kathmandu, has been less affected from the nationalization of forest. The average tree per ha was from 53 to 150 trees show less damage in forest condition in Palung as against Suntol where maximum of 50 tree per ha due to intensive damage. It is also attributed to the existence of traditional or indigenous management system in Palung. Thus the nationalization of private forest has less impact, which could be said, due to the location of forest. The deforestation and forest degradation was once said to be due to the haphazard exploitation of forest products by the local but in recent years studies have pointed out that the local people were not the sole cause of environmental degradation in the Third World countries (Carson, 1985; Pitt, 1986; and Ives and Messerli, 1987).

### **7.3 Impact of Community Forestry Policy on Forest Use and Management**

#### **7.3.1 Participation**

The strength of community forest management is the local people as major stakeholders whose participation has been attribute to the effectiveness of community forestry in forest management and conservation (Joshi, 1995). However, the participation of a number of people does not reflect in the effectiveness. Participation has different meanings in different groups (Kobayashi, 1998). The participation in Suntol and Palung was dominated by the elites and men only except few user groups having women in the executive committee. The non-representation of women and poor people in decision making body of the group create problem in coming up with some important decision like the use of forest products and the time of opening of the forest for collection including the charge as membership fee together with the entry fee, though nominal for the collection of resources. Maharjan (1998) pointed out that the implementation of community forestry has adverse impact on the marginalized and poor users of the forest resulting in leaving the group. The hindrance is the membership fee per household per year and the charge imposed on the collection of fuelwood or leaf litter. Membership fee in cash payment replaced the traditional system of payment in kind, grains and become difficult for those who have to depend in daily wage labour. In the study village, Suntol, almost all the user groups collect Rs. 20-25 as membership fee while they have to pay something for entry as well as for the collected material to take home.

Nepal being a country of multi ethnic and caste groups, ethnic diversity plays a vital role in the formation of groups as well as effectiveness in management. The community with homogenous group provides good atmosphere mainly for the community development activities. The same thing applies to the formation of

user groups for forest management. But the groups may not always be homogenous due to location. In such a case, the major ethnic/caste or the majority of elites dominate the group. Conflict may arise due to the difference in opinion as well as difference in the use of forest resources. If the group is mixed, there are high chances of domination by the elite groups like Brahmin/Chhetri. Similarly, the Tamang ethnic group of Palung Ward no. 4 living at higher altitude decided to form a separate group from Mangaleswore FUG, which is dominated by Brahmin/Chhetri group due to conflict in forest resources use. This type of ethnic conflict is common in the country. Due to the conflict, the Forest Range Office has not approved Mangaleswore FUG for handing over, though application was submitted in 1997. Care should be taken before handing over whether there is conflict or not and should also be resolved for better arrangement. There is an example from Sindhu Palchowk (Gautam and Shrestha, 1997) about solving the conflict of two VDCs on registration of forest lying in between two VDCs and the District Forest Office handled with a series of discussions with the users of the both VDCs.

What is the basis to become a member of the users group? The user group regulation was not strict about the forest boundary to form user groups and was open for the people themselves to decide. It mentioned that those people who have been using the forest since long time should form the group. However, in practice, the proximity factor or the administrative boundary has played important role in the formation of groups as in Suntol and Palung VDCs. The users feel comfortable in forming the group from within one Ward instead of many forming a big group. Palung has one group per Ward, but in Suntol one group for two wards was divided into small groups (7 groups) due to the difficulty in managing the bigger group. This system seemed to be the outcome of decentralization act in development process, which facilitated Ward level planning. Thus, some of the traditional users were neglected from using the resource because their Wards do not consist forest, such as people from Ward nos. 1 to 7 of Suntol and Ward nos. 1, 3 and 6 of Palung. Some people manage to adjust with other Ward taking the right provided by policy, which mention about the traditional users, as Khanigaun FUG of Palung and Taratirtha and Kusum kattike of Suntol.

The impact of the implementation of community forestry was observed to be mixed. Positive impact is seen on the physical condition of forest due to regeneration and increase in some forest products while adverse impact are seen for those who depend much on the forest resources for living. The impacts can be summarized as in the Table 7.5.

Implementation of community forest management programme in both the study areas is rather new. The programme was first introduced by the District Forest Office in Suntol while Palung was influenced by the neighbouring village. It is difficult to quantify the advantages and disadvantages of community forestry. However, the condition of forest over the period of management by the

**Table 7.5** Impact of Community Forestry Policy on Forest Use and Management

Advantages	Disadvantages
▶ Habit of meeting and discussion among users	▷ Less forest product available due to control measures
▶ Fixed days for collection of forest resources	▷ Expenses for purchase of alternative fuel resources
▶ Increase of private trees, less dependency on forest	▷ No fodder collection from forest
▶ Awareness on importance of forest conservation	▷ Require private land for fuelwood/fodder Source, problem for poor and landless
▶ Improvement on forest cover	▷ Prohibition of grazing required more person power for fodder collection especially women labor
▶ More leaf litter for compost	▷ Marginal and poor affected with the decisions of elites and rich people
▶ Timber available free or nominal charge for the CF members	▷ The auction of forest resources marginalize the poor
▶ Income from forest, a source for community development	▷ Growth of unhealthy forest due to lack of tending, pruning, weeding

users shows improvement, which was regarded very positive.

The involvement of poor and marginal people have not been considered in the decision making body. The direct impact of community forestry lies on the less availability of forest resources, which force people to use other alternatives like kerosene for cooking. This affect more to the poor and marginal farmers who were not able to afford to grow trees in their own farm that the limited farm is required for crops (Kobayashi, 1998; Maharjan, 1998; and Malla, 2000).

Most of the user groups have been confined in the conservation activity and utilize the natural growth. The increase of users diverting to other alternative methods and some leaving the group membership due to financial burden lead to the development of unmanaged forest which do not produce a healthy forest for producing good timber as they expected although they have high aspiration of generating income from wood production. Only conservation and leaving for natural regeneration would not be sufficient to fulfil the needs of people since the forest condition have not been scientifically managed as such. A careful planning need to be developed for such degraded forest so that they can get benefit at an earlier period than natural regeneration.

### **7.3.2 Flow of Forest Products from Community Forests to the User Households**

The purpose of forest management is to obtain daily necessary materials like fuelwood, leaf litter and timber. The availability of forest resources differ according to the type of forest that is, broad-leaved or conifer forest. The quality of forest determines the amount of resources available for the exploitation. Although almost all the parts of forest resources are used, broad-leaved forests have multiple values against coniferous forests. The different parts of trees such

as stem, branches, leaf litter etc. are used for different purposes.

Table 7.6 summarizes the pattern of rules regarding access to forest products under community forest management. All the FUGs restrict the use of tree fodder as it concerns the collection of green branches. Some groups permit the collection of dry fallen twigs and branches free of charge while others charge nominal price. Only one group allows green grass collection through auction. Most of the groups in Suntol charge small amount for the green fuelwood collection after pruning activity while Palung groups allow collecting for free. The collection of NTFP specially the lichen is free of charge anytime in Palung while no collection is practiced in Suntol. Most of the FUGs provide construction wood to households that suffer damage from natural calamities like fire, heavy rainfall, landslides or earthquakes. A certain amount of fuelwood is provided for ceremonial uses like weddings, cremations or religious works. Woods are also provided free of charge for public works like construction and repair of school buildings or health posts. There are few data on the quantity of various forest products harvested from community forests and distributed among the user households or on the extent to which the household's requirement for forest products are being met (Malla, 2000).

### 7.3.3 Forest fragmentation problem

Management of local forest by the local people under community forestry is the only solution for conservation of forests in the rural areas of Nepal (Joshi, 2000; and Shimizu, 1994). A total of 10,212 user groups have been registered for management of 773,818 ha of forest all over the country. Quite a number of groups are waiting to be formally handed over the forest while managing the forest area in their surroundings. This was made possible due to the liberal attitude in policy, which has not fixed the limitation in the number of households and size of forest.

**Table 7.6** Rules for Access to Different Forest Products in Community Forest Management (from 13 FUGs studied)

Product	Distribution			Time of collection		
	Free of charge	Nominal charge	Sale through auction	Anytime	Specific time, more times a year	Specific time twice a year
Dry leaf litter	5	7	1	1	4	8
Tree fodder	-	-	-	-	-	-
Dry fallen twigs & branches	5	7	1		4	8
Green grass			1			1
Green fuelwood from pruning		7	1			8
Timber		5	4	13*		
NTFP	5			5		

\* fixed quantity only in emergency

Source: Field survey

Formation of 7 groups in Suntol and 7 groups in Palung contribute in the fragmentation of forest, or in terms of management only. Fragmentation here does not mean the same as in the west where forest area has been discontinuous with the urbanization (Sauer, 1998). Though forest area has not been discontinuous in case of Suntol and Palung VDCs, different user groups manage them, each having their own set of rules and regulations. The group in Suntol felt difficulties in meeting regularly due to the size of the group. Therefore they formed different sub-groups. Similarly in Palung, people feel comfortable to have discussion among the people within the same ward than jointly in a bigger group with people from other wards.

The positive aspect of fragmentation for management in groups is that more people are involved for the same forest area and thus information will reach more households due to their participation in general assembly and other regular meetings. While the negative aspect of the fragmentation would be in the supporting side, since more institutions have to be supported with the same small financial and technical resources. Joshi also found that the smaller group is more effective in management than the larger group. However, Hopley argues that it cannot be generalized. For example, she found a case of an effective group with more than 300 households. The effectiveness of the group may also depend upon the leader but it is a fact that the more the institutions they require more technical as well as financial support. The similarity in the composition and altitude of the forest could be used to form one single plan for development but due to the number of user groups it require contact to all the different groups who may not come to a single opinion. The responsibility of forest management has been divided from the government to the number of groups. Each group expects some financial contribution from government.

#### **7.3.4 Forest user committee and operational plan**

Forest user group operate with an executive committee for day-to-day activities. The normal size of the executive committee tends to be between 11 to 13 members with exception of 9 member in one and 15 members in the other. The registration for legalization is done only with the group formation along with the list of user members, list of executive members and the operational plan. Though the operational plan include details of the silvicultural activities, only few groups practice the activities. The preparation of operational plan has been just a prerequisite for registration of the group. Since there is no technical support to carry out the activities, the users rarely perform the activities listed. An effective operational plan should however only show those activities that are performed. The operational plan should also be site specific since the forest condition at different places are different in composition and type.

It was noted that people got the inspiration of managing forest for income generation through the operational plan. The guideline on operational plan mentioned that people could sell wood if they have surplus after utilization within

the village or the group. The income could be utilized not only in the forest development but also in other community development activities in the village. That is also one of the reason people wanted to generate income by the membership or entry fee as well as from wood sales, fuelwood and grass, litter through auction. Since forest at both the villages are still not good in condition and income is only from the fees except in Mangaleswore FUG from wind felled trees and Kalidevi FUGs from plantation forest both in Palung VDC. Some groups raise membership fees mainly to provide remuneration to the watchmen employed to control the collection of resources on days other than specified days.

### **7.3.5 Technical and financial support for community forest management**

Handing over of community forest to user groups requires the operational plan for at least 5 years mostly focused on the aspect of silvicultural management. Rules and regulations prepared so far are copied from the prescribed format with some changes on the amount of fine imposed on the offenders. To make the management of forest easier, it was suggested to divide the forest area into 3-5 blocks, and operate silvicultural activities in shift. However, most of the operational plan was limited on the paper and very few groups carry out the activities. The groups are aware of the importance of silvicultural activities but some groups get very small benefit at the moment due to the condition of forest while other have not felt any scarcity from the existing forest. However, technical operation is necessary for making the forest resources available for the users since the natural regeneration alone would not be sufficient to fulfil the needs of all the user families. The handing over of potential forest areas to the local people is a shift of responsibility of forest management from the government to the local people and a relief to the government staffs that the user groups take care of the problems if they can manage. On the contrary, there are many applications from the user groups, which have not been handed over due to the limited forest staffs in the district for verification purposes. Each group needs to be investigated individually as to whether there is any conflict or whether the groups are ready for handing over. As mentioned earlier, the handing over of forest area to the user group is the shift of management responsibility from government to the local people but it was realized that the important thing in community forestry is not the handing over but the after service including technical and financial support from the government specially in the forest as that of Suntol and Palung where no immediate return can be expected.

There is no financial support from the VDC, as forestry programmes have not been prioritized in its development activities. Both the VDCs, the priority of development activity from the VDC budget goes for the drinking water or support the school in Palung and repair the irrigation canal or road trail in Suntol. There are no special programmes from the District Forest Office to support the programme of FUGs in different VDCs. The annual programme of Makwanpur District Forest Office (Annex-7) shows only training and orientation on commu-

nity forestry programme intended on the user groups and no such activities of forest development through the FUGs. Due to damaged and degraded condition of forest, income generation from forest itself was also a distant source. However, the group members aim for income generation to be able to conduct other community development activities, besides saving their own cost for wood purchase when they require wood for house or shed construction since it cost much to purchase wood from outside the village.

#### **7.4 Benefit sharing - a hope for the poor?**

The non-representation of women and the marginal poor people in the community forestry groups has been pointed out as 'a poor policy for the poor people' (Graner, 1996). During the course of 10 years of implementation, though there is less representation of the women, poor and marginal people there are some changes seen in this context. Some women only groups have been registered in Gorkha district. In another case though there is domination of the rich and elites, the income generation activity started by Kattike kusum FUG in Suntol is an encouraging one. The poor and marginal people were listed and given priority for starting income generation activities.

The system of equal benefit sharing among all the user families by charging nominal amount as entry fee and the membership fee in the community forest management has become a burden for the poor and marginal people. A mechanism should be in place that allows the poor and marginal people to collect the forest resources in a limited way that they provide the required labour for pruning and weeding while they get some forest resources for free. This could help in solving the financial problem for the activity of pruning as planned for once or twice a year. There was no financial support from either the Department of Forest or the VDC office and no source of income from the forest itself as there are no trees suitable to be utilized for timber especially in the case of Suntol. Due to the financial problem and due to less return from the forest while participating in the pruning activity, less people are interested in volunteering the silvicultural activities. As a result no pruning and weeding are conducted. If the forest is left without any silvicultural activities, the growth of forest will be unhealthy and affect the growth of good trees for timber. Thus utilizing the poor and marginal people for pruning and weeding in the forest could be beneficial for the forest as well as for the people.

There is a general thinking of causing damage to the forest when it is opened for collection of forest resources but tend to forget that they have been using the forest since long with their indigenous knowledge. It was observed that though the rural women with no education in forestry had knowledge about silviculture and sustainable collection of forest resources that they collect only one branch from a coppice regeneration of 4 instead of collecting all. This is what was mentioned in the silvicultural aspect in the operation plan. Again the collection of

forest products was said to be damaging to the forest growth if the forest is open as people collect fuelwood or fodder by lopping trees. But if the lopping is conducted to a limited time, the production of biomass is not affected as shown by a study on the 'effect of lopping intensities on growth and biomass production of *Bauhinia purpurea* (Gupta et al., 1996). Instead of closing forest and avoid pruning and weeding due to lack of financial support, which will make the unhealthy forest and produce only fuelwood instead of good wood for timber, it would be better to utilize those people for the benefit of both.

## 8. Conclusion

From the foregoing analysis, it is apparent that the forest policy in Nepal has been influenced by various factors like socio-economic, geographic, cultural and political. The centralized protection oriented policy aimed to control forest and provide forest resources to the people for their use could not achieve its objectives. On the contrary, forest has been turned into open access common property though the government is *de jure* owner of the forest while the local people are *de facto* users to obtain the daily necessary forest resources. The adoption of decentralization and devolution concept was a positive step that made it possible for the government to shift its power from centralized forest management to decentralized management and utilization. Based on the emphasis given by Master Plan for forestry sector, the new Forest Act of 1993 included the Clauses for community forestry and forest user groups resulting in the formation of user groups already exceeding the number to 10,212 groups from the planned 7,510 groups for the Ninth Development Plan (1997-2002).

Community forestry of Nepal, like Social Forestry or Joint Forest Management, gained popularity in the world and was able to attract donor agencies for implementation in various districts. The community forestry programme empowered the rural people and formation of user groups and besides the registered groups some are waiting to be registered. A total area of 773,818 ha forest already handed over for management by June 2001. The increasing number of user groups showed interest of rural people in taking the responsibility of forest management for their use as stated in the objectives. However, there is also a strong hope from the user members or a part of the members to generate income to the community directly from wood sales or to save cost for the purchase of wood when they need to construct house or animal sheds. The high cost of wood to purchase from outside was the cause for the change in thinking of community forestry from forest products for daily needs to wood production.

The increased number of user group formation is a positive result of the policy but the important thing is the quality of groups in terms of participation, undertaking management activities and distribution of forest resources. After nearly 10 years of community forestry implementation, regeneration is prominent

where once damaged, and is positive part of community forestry. But no evaluation of the impact on life of rural people specially the women and the poor, who depend highly on forest and are directly involved in forest resources use was conducted. The user groups are found dominated by the elites, rich and vocal group mainly located from the mid hills. Thus, rules favour such users than the poor and becoming costly for forest products use due to various regulations. However, the condition of forest at both the villages currently was not having suitable tree resources and thus no substantial income generation has been seen.

The two study areas under the government programme showed the degree of forest damage due to the nationalization. The forest near the city previously under the control of government was damaged to a greater extent than the forest located far from the city. Forest user groups have been formed with either induced by the government staffs or influenced by the neighbouring village. The control measures under the community forest management seemed to do well for the regeneration of forest but the activity force low income, poor and disadvantaged families to divert to use other energy resources than fuelwood, which require more income. The diversion to other energy like kerosene for fulfilling energy need make people habituated with the easy work and that they no longer need to use fuelwood. The exploitation of fuelwood can be taken as an action of silviculture, lack of such activities make the trees grow into a jungle that do not produce good wood for timber and people may not get timber for their house construction, the main cause of peoples' participation in community forestry. Another objective of CF is the production of timber for generating income for the community and that would be utilized in the community development activities. Except some groups already having good condition of forest, very few FUGs have substantial income generation from the forest as expected.

The need of technical as well as financial support from the government has already become a limiting factor for the silvicultural activities to be undertaken. The poor and needy people could be allowed to collect some resources in against their work in pruning, weeding for better tree growth. The policy is silent in the case of use of forest resources by the specific groups but emphasize in the equal distribution and the involvement of women and disadvantaged ones who are directly involved with forests.

## 9. Summary

This study deals with the changes in forest acts and their consequences in forest management in Nepal in the later half of the 20th century. The provisions regarding management of various forest categories were studied with the help of Forest Acts and legislation so far formulated. This study focused on the evolution of community forestry policy which enable government to hand over a part of national forest to the local users with the expectation of increased local participa-

tion in forest management and control deforestation while fulfilling their basic requirement of daily necessity materials like fuelwood, fodder, leaf litter and timber. Two villages in the Mid Hills of Central Nepal were selected to study the implementation of community forest management in the local villages.

Information on forest area and condition of each villages and user groups were found from field survey. The records and interviews with the users and concerned members provided the management practices of each user groups. It was found that the users are more concerned towards economic benefit from forest management rather than fulfilling the daily necessity, the point mentioned in operational plan guideline was capitalized. The equal distribution of resources among the user members and the cost imposed for being member and limitation rules affected a group of villages from using the resources. Forest management has been limited only in conservation and so necessary of technical assistance from government or non-government agencies and also care should be given to support those who depend most on forest utilizing their service in return of resources use.

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## ANNEXES

### ANNEX - 1

#### **Private Forest Nationalization Act of 1957**

Forest being an important part of country's property, to prevent the damage of national property and for the benefit of the country and the people for the preservation and management and utilization, His Majesty's Government (HMG) upon the suggestions of the Ministries, realizing the necessity of nationalizing the private forests has framed this Private forest Nationalization Act.

1. Short Title, Implementation and Commencement: (1) This Act may be called "Private Forest Nationalization Act 2013, (1957)  
(2) This Act shall come into force all over the country immediately.
2. Determination of Private Forest: (1) For the purpose of this Act, the private forest means any forestland or uncultivated land within the forest boundary maintained one's right by the tax (revenue) exempt, fully or partly or by any special method before the commencement of this Act.  
But –  
(i) Trees scattered in the cultivated land or within the compound of house or orchard or fruit

orchard at separate place and trees within such orchard are not considered to be forest.

(ii) If somebody had grown trees with his/her effort, such land up to 25 ropani (1.25 ha) in valley (Kathmandu) or hilly region and up to 5 bigha (3.25 ha) in Tarai, are not considered as forest.

(2) Whether any land lies within Private forest or any private forest lies within any land or whether the area and boundary of such forest was this or the boundary of such private forest was not that, to such a dispute, the Government Officer designated for the work shall decide.

(3) If a person is not satisfied with the decision made by the officer, the person can file a application to the government within 35 days pursuant to Sub-clause (2) and the right of applying such appeal by the forest officer is also secure.

(4) If such application was filed, HMG shall form a tribunal under the chairmanship of a judge from Supreme Court or the person suitable to be Judge and 2 other members nominated, and the decision taken by the tribunal will be final.

(5) No any courts shall have any right to hear complaint in against such decision made pursuant to Sub-clause (2) and (4).

3. To Nationalize the Private Forest: (1) After the date of commencement of this Act, the ownership of all the Private forests existing in the country will be transferred to HMG.

(2) Any act, query or any written document providing sole ownership to individuals will be abolished after the date of commencement of this Act.

(3) After the date of commencement of this Act, the law existed for the government forest will also be applied for the forest whose ownership was transferred to HMG pursuant to Sub-clause (1).

4. Effect of Contract with Former Owner of the Forest Nationalized: The contract done in a legal process with the former owner of the nationalized forest shall consider being the contract with the government now.

5. No Claim Could Be Made For the Damage: No one may claim the damage for the loss of ownership of the private forest due to the implementation of this Act.

6. Power to Frame Rules: For the purpose of implementation of this Act, HMG can make rules.

7. Government Has Power to Remove Obstructions: If there are some obstacles during the implementation this Act, HMG can publish necessary directives in the National Gazette, and each such directive is considered to be included in this Act.

## ANNEX - 2

### Forest Act of 1961

The first Forest Act of Nepal (Original version)

Stamp and publication date

2018-9-13 B.S. (December 1961, 27 A.D.)

An Act Made for Proper Management and Conservation of Forests

Forest, being a large part of the National property, it is necessary to conserve and manage properly for comfort and economic benefit to all Nepalese citizens, His Majesty King Mahendra Bir Bikram Shah Dev has framed this Act as per the Article 55 of the Constitution of Nepal.

### Chapter - 1

#### Preliminary

1. Short Title, Implementation and Commencement: (1) This Act may be called "Forest Act, 2018" (1961).

(2) This Act shall come into force from Paush 15, 2018 (1961 Dec) all over the country.

2. Definition: In this Act, unless the subject or context otherwise requires,-

(a) "Government Forest" means forest areas and uncultivated land, river, pond, trail etc. within the forest area except the private forest and Panchayat forest under this Act. Changed to the following by 2048 revision.

"Government Forest" means forest areas and uncultivated land, river, pond, trail etc. within the forest area except the Private and Community Forest area under this Act.

(b) "Private forest" means a group of trees or land covered by trees other than fruit trees planted, nurtured and conserved with one's own effort in his/her legally owned land pursuant to prevailing laws under this Act.

(c) "Forest Officer" means any person assigned or deputed or government staff authorized for proper management and conservation under this act and regulations made thereunder.

(d) "D.F.O." means the Chief Officer of any Division related to forest work.

(e) "Ranger" means Chief Officer of any Range Office of any Division.

(f) "Quadruped" (Chaupaya) means any four footed pet animal of any breed.

(g) "Forest Products" means the following products which are contained or found in, or brought from forests:-

(i) Timber, charcoal, extract of Acacia catechu, rosin, wood oil, bark, lac, pipila, pipili (piper longum), or,

(ii) Trees, leaves, fruits, flowers, mahua (bassia longifolia), chiraito (swertia chiraito), Kutki (picorhiza kurroa) and all kinds of wild herbs, vegetation plants and different parts or organs thereof, or

(iii) Mine, boulders, soil and all kinds materials from Mines.

(iv) Wild life or any parts of such wild life including quadruped animals.

(h) "River" means natural or artificial rivers, streams and canals.

(i) "Wood" means cut, fallen wood or wood used for making some material.

(j) "Tree" means bamboo, cut tree, cane and stump buried on land.

## Chapter -2

### Demarcation of Boundaries of Government Forest

3. Appoint and Depute Officer for Demarcation of Boundaries: His Majesty's Government order the deputed or Authorized Officer (hereinafter mentioned as the Officer in this Chapter) to put marks at the boundaries demarcated areas of mentioned areas, by publishing a notice in Nepal Rajpatra (Gazette), limiting within the Clauses following this Clause.

4. Entry in the Land After Publishing Notice by the Assigned Officer: (1) While demarcating the boundaries of any government forest pursuant to Clause 3, in case any private registered land belonging to any person and any house or hut constructed on such land within or adjoining a government forest have to be incorporated within the forest boundaries for the protection of the forest or its boundaries, the authorized Officer shall have to affix a notice with the reasons at the place where the land is located in a way to be seen by all persons. (2) The assigned officer or any officer authorized by him shall conduct the following work after the affixture of the notice:

(i) enter into the land and conduct survey, levelling and digging,

(ii) demarcate the boundaries of the land to be acquired and prepare a plan if some construction work is required for the measurement and putting Forest Boundary Marks,

(iii) dig for fixing the boundary poles or other Marks,

(iv) remove or clear the crops or trees contained in the land if required while conducting

survey, levelling or digging work for fixing boundary Marks.

But if the owner of such land does not agree to let them enter the house or adjoining fenced area or field or garden, the authorized officer can enter only after 24 hours of written notification.

5. Government Arrange Compensation for the Damages: (1) While entering an any private land pursuant to Clause 4, if any damage occurs to the owner or the immediate user of the land, the appointed Officer or any officer authorized by him shall arrange for the compensation from the government with necessary investigation.  
(2) If the person disagrees to take the amount provided claiming low for the compensation pursuant to Sub-clause (1), the officer report to a Committee formed (hereinafter called as Committee in this chapter) according to Clause 15 and provide the amount as decided by the Committee. No appeal to the Appellate Court is received on this.  
(3) If the amount decided by the Committee was also not received, the Officer shall notify the owner or the related person after depositing the amount at Revenue office and if any person with the rights does not draw the amount within 3 months of the notice, the amount will be deposited in the government's name.
6. Complaints in against Land Acquisition: (1) If a notice affixed during the demarcation of Forest Boundaries to incorporate any house or land pursuant to sub-clause (1) of Clause 4, the responsible person of the land may file a complaint in against the Acquisition to the Committee within 15 days after the affixture of the notice, excluding the time required for the journey.  
(2) If any complaints filed pursuant to Sub-clause (1), the Committee provides its decision after hearing the reasons of the individual who filed the complaint and other necessary investigation, and such decision will be final regarding such complaint.
7. Publish Notice After the Committee's Decision: After the Committee's Decision Pursuant to Sub-clause (2) of Clause 6, the authorized Officer publish notice to be affixed at four places; 1 at the land to be acquired, 1 at the village area where the land is located, 1 at land revenue office, and 1 at his own office in a way to be seen by all the persons and also to the person in whose name the land is registered.  
(2) The notice pursuant to Sub-clause (1) should contain the following:-
  - (i) Since the house or land or both be acquired by the government, the person with its ownership or immediate user or all related persons should file for compensation of the damage within 15 days after the affixture of the notice, excluding the time required for the journey and no complain will be entertained, if they do not file an application accordingly,
  - (ii) The boundary of house or land, area in ropani or bigha and the type of land revenue, etc., of such land,
  - (iii) The persons claiming over such land should make clear their type of rights on the house or land or use rights or any rights and their claim of compensation to the damage according to the measurement or map pursuant to Clause 4.
8. On the Spot Enquiry by the authorized Officer: If necessary, the authorized Officer may conduct a local enquiry regarding the co-partner, contractor, mortgage creditor of the persons who have right to the houses or land that is to be acquired or persons cultivating the land and the rent, tax or profit or such land during the last 3 years.
9. Clear the Application Pursuant to Clause 7: The authorized Officer should make clear the following pursuant to Clause 7 after taking direct action to the application filed;
  - (i) to fix the area of land, in ropani or bigha and the number of stories, its valuation if there

is house in the land to be acquired;

(ii) to fix the amount for compensation to the damage for the house, land or fix the amount of land to be provided for compensation and to remove the record from the land revenue list, (iii) to fix the compensation to be given to the persons with their ownership rights or immediate users and persons known to have right and decide how much to be given to whom,

But, if there is need to remove the record from local land revenue list due to figures beyond Rs.10.00 or if the land to be provided as compensation having land tax of Rs. 500.00 or beyond, the officer should take prior permission from the government and the appointed officer should decide on the compensation according to the Clause 17.

10. Compensation to be Given: (1) The authorized Officer shall have to pay the amount determined for the compensation pursuant to Clause 9 to the concerned persons in cash from government fund.
- (2) While determining the compensation pursuant to Clause 9, the authorized Officer should inform the decision whether to compensate or not to those concerned persons if they are not present by themselves.
- (3) By receiving the amount of rupees in compensation provided by the authorized Officer pursuant to Sub-clause (1), it does not mean that they lose their right to file a complaint according to Clause 13.
11. Land to be Occupied: The authorized Officer may take possession of such house and land after the decision pursuant to Clause 9, and with effect from such date such house and land should belong to His Majesty's Government and nobody's right remains on such house and land.
12. Restriction on Inclusion or Acquisition of Private Land within the Boundary of Government Forest: Notwithstanding anything contained in the Clauses before this Clause, any private land or house to be included within boundaries of the government forest such land or house to be acquired, subject to the following provisions:-
- (i) Private land or house built on that land outside the Government forest which have been registered according to the law shall not be acquired except when it is essential to do so for the protection of Government forest or the boundaries thereof and in case such land and the house are to be acquired in such manner the land in excess of two bighas in the Tarai and four ropani in the valley and the hilly region shall not be acquired without having a prior approval of His Majesty's Government and land in excess of five bighas in the Tarai and ten ropanis in the valley and the hilly region shall in no circumstances be acquired unless the land owner has given his consent.
- (ii) The land with some standing trees and not cleared for cultivation, registered in the name of any person and which are at the sides of the Government Forest area, may be acquired to be included in the Government Forest area whatever the size of the land.
- (iii) If any individual settle and cultivate in any Government Forest area without official process of registration, all such land and even the house constructed in such forest area may be acquired to be included in the Government Forest area.
- (iv) The following land and house which are registered in the name of any person and which are surrounded on all sides by a Government Forest or situated within a Government Forest may be acquired and included within the boundaries of the Government Forest: -
- (a) land with standing trees and houses made on such land
  - (b) land cleared, cultivated and houses made on less than 15 bigha at Tarai or less than

25 ropani in the valley or hilly region,

(c) land remained uncultivated for up to 2 years and houses on such land,

13. Complaint Over the Decision of the Authorized Officer: (1) If any concerned person not satisfied with one or more decisions made by the authorized officer, and if filed a complaint with details following the formal procedure to the authorized officer asking for special decision pursuant to Sub-clause (2), the officer shall have to send documents to the Committee for necessary action and inform the concerned person who filed the complaint:-
  - (i) the measurement, map of the house of the land to be acquired,
  - (ii) the amount of money for compensation or the figure of land to be provided for the compensation,
  - (iii) name of persons for compensation to be provided,
  - (iv) the concerned persons to get share of compensation(2) One should write clearly the points of dissatisfaction in the complaint and apply within the following prescribed time period:
  - (i) within 35 days of the decision taken on the presence,
  - (ii) within 35 days of the receipt of information pursuant to Sub-clause 2 of Clause 10 or within 35 days of receiving the information up to within 6 months of the decision taken.
14. Acquisition of entire House and Land: While taking action to acquire some parts of house or land pursuant to this chapter, in case the owner of such land requests that the entire house or land to be acquired by His Majesty's Government, action shall not be taken to acquire only some parts thereof. The entire house and land must be acquired pursuant to this chapter.
15. Committee: (1) For the purpose of the Clause 5, Clause 6 and Clause 13, a Committee shall be constituted with following members: local Chief magistrate of each district - 1, Ilaka or Area Judge - 1 and one level higher Forest Officer than the appointed forest officer - 1.  
(2) The Committee give decision after going through the documents submitted for decision and call concerned persons if necessary for clarification and the decision of this Committee is final pursuant to this Chapter.
16. The Authorized Officer and the Committee shall exercise Powers of a Court: Both the authorized officer and the Committee shall exercise the powers of a Court pursuant to prevailing laws in respect to summoning the concerned persons and their witness, examining the evidence, prescribing dates for appearance and a document to be prepared by them for the purpose of taking decisions on any presented to them pursuant to this Chapter.
17. Matters to be taken care while Deciding on the Amount for Compensation: The authorized officer or the Committee should take care the following matters pursuant to this Chapter while deciding the amount for compensation to the acquired house or land by the government:
  - (i) Valuation of the house or land should be based on the commonly practiced rate in the village at the time of the notice pursuant to Sub-clause (2) of Clause 4.
  - (ii) The amount of damage to the crop or trees to be borne by the concerned person due to acquisition of land and trees if contained in the land at the time the acquisition of the land by the authorized officer.
  - (iii) the cost or expenses occurred for the concerned person compelled to move from the concerned place to other due to the acquisition of land by the authorized officer.
18. Explanation to the Direct Action: The direct action mentioned at places in this Chapter should be arranged to take only when necessary only by sending notice beforehand.

19. Removal of entries of the Registered Land from the records: (1) In case the private land of any person is acquired pursuant to this chapter and included within a Government Forest, the authorized officer shall send information to the local Revenue office or Land Revenue Office mentioning full details of such acquired private land, including the area, boundaries and village etc. and the Land Revenue Office, on its part, shall take action to remove the entry of the Land revenue or tax Levied on such Land from the records and shall have to inform to the concerned clause of the Zamindar (Landlord) and Department of Land Revenue of His Majesty's Government accordingly.
- (2) The owner of any land whose entry is removed from the records pursuant to Sub-clause (1) need not to pay Land Revenue or any tax on such land with effect from the date when the land is included within a Government Forest
20. Force may be used if Necessary during Land Acquisition: If any person opposes or causes any obstruction to the authorized officer while carrying out any action pursuant to this chapter or while taking possession of any house or land, he may carry out action and take possession of the house or land by using necessary force.

### **Chapter - 3**

#### General arrangement related to Government Forest

21. No person have any Rights in Government Forest: Except when any right or facility has been obtained through a lease or permit or in any other way from His Majesty's Government or the authority empowered by His Majesty's Government, no person shall have any right or facility of any type in the Government Forest.
22. Rights Over the National Forest not to be Sold: No person shall sell mortgage, gift, donate, exchange or otherwise alienate the right or facility that he has obtained over the Government Forests to any other, except according to an order of His Majesty's Government.
23. Power to Close the Paths and Streams Within the National Forest: For the purpose of developing and conserving Forest, His Majesty's Government, or the authority empowered by His Majesty's Government, may close any private or public path or stream within the Government Forest.
- Provided that, before such closure, alternative paths or streams, which are equally convenient, shall have to be made available as far as possible.
24. Classify the Government Forest: His Majesty's Government have power to classify the Government Forest for specific activities or for security purposes according to need and the land thus classified for one purpose will not be utilized for another purpose without the order of His Majesty's Government.
25. Power to Separate Government Forest or a Part of that: His Majesty's Government may provide Government Forest or any part for public activities after publishing notice in the Nepalese Gazette, to be forced from the same date.
26. Power to Make Rules Regarding Forest Products Sales and Distribution: His Majesty's Government may make rules for the following arrangement-
- (i) to appoint the officer and to decide the conditions for Sales and Distribution of trees, wood or any other forest products from national forest.
  - (ii) To appoint government officer, and conditions and charge for providing tree, wood etc. to the public use from the national forest.
  - (iii) Conditions and charges, etc., for allowing grazing of the quadruped in the national forest.

#### Chapter - 4

##### Offence Related to Government Forest

27. Prohibited Conditions Related to Government Forest: (1) Any person shall be punished as pursuant to Sub-clause (2) if one does or cause to do following activities in the Government Forest except otherwise provided in this Act or the rules made thereunder:-
- (i) fresh clearance or other work, plough or cultivate, or
  - (ii) to set fire, leave or carry lighted fire or do any act which cause firing, or
  - (iii) to make the Quadruped graze, put in or let enter the forest area, or
  - (iv) to damage any Forest products by negligence while cutting, felling, dragging, or removing from the forest area, or
  - (v) to damage any other Forest Products while cutting any tree or plant or prune branches, remove rosin or barks, or
  - (vi) to extract boulders, burn charcoal or lime or manufacture finished products from them or collect them, or
  - (vii) to remove forest products from the Government Forest area.
  - (viii) to cut trees not controlled by rights of the prohibitive words according to Clause 34.
- (2) The following punishment shall be imposed to the person committing the prohibited functions pursuant to Sub-clause (1):-
- (i) If the offence under clause (i) of Sub-clause (1) is committed, the person will be fined up to Rs.500.00 or jailed for up to 6 months or both by re-including such land in Government Forest,
  - (ii) If the offence under the clause (ii) of Sub-clause (1) is committed, the amount involved shall be fined
    - (a) Up to Rs.25.00 if amount involved is Rs.25.00 or even no amount is involved,
    - (b) if the amount involved exceeds Rs.25.00, fine according to the amount involvedBut if somebody accused and found to set fire the Government Forest intentionally, such individual shall be punished as mentioned above including imprisonment up to 1 year or additional punishment.
  - (iii) If the offence under clause (iii) of Sub-clause (1) is committed, the offender shall be fined with the following rate for each animal:-
    - (a) Up to Rs.20.00 for animal like elephant,
    - (b) up to Rs.5.00 for animal kine like horse, cow, buffalo, mule, donkey, camel,
    - (c) up to Rs.1.00 for animal like sheep, goat,
    - (d) of Rs.1.00 to Rs.5.00 for other quadruped animal.
  - (iv) If the offence under clause (4), (5), (6), (7), or (8) of Sub-clause (1) is committed, the offence related Forest Product, if priced or any kind of use, shall be confiscated and
    - (a) fine up to Rs.10.00 if amount involved or even no amount is involved
    - (b) fine of Rs.10.00 and above upto Rs.100.00 according to the amount involved,
    - (c) if the amount involved is more than Rs.100.00, fine shall be according to the amount involved or imprisonment up to 6 months or both.
- Explanation: While fixing the amount involved for the purpose of this Sub-clause, the rate should be fixed same as was already fixed for sales or need to be decided on the spot by the local persons (of five) if the rate was not fixed already.
28. Offence for Forging the License or the Mark: (1) If person, intend to harm His Majesty's Government or any other person or intend to take advantage from this Act, does or let other do functions mentioned below, such person shall be imprisoned for up to 2 years or fine up

to Rs.1000.00 (one thousand) or both:-

(i) if change, erase, damage to make unclear or forge the stamp applied to the wood or standing tree by the Forest officer or any authorized by him,

(ii) if encroach the Government Forest or change the markings of such forest boundary or damage to make it unclear.

(2) the responsibility of clarifying the offence pursuant to Sub-clause (1) lies on the one who file the case.

### **Chapter - 5**

#### **Panchayat Forest**

29. Provide right over government forest or any part to Village Panchayat: (1) His Majesty's Government has Power to give its forest or any part to any Village Panchayat for its community's benefit to be used as mentioned to the village group and such forest is called as Panchayat Forest.

But with this article it does not mean that the government ownership over the land was released and such forest cannot be cleared or cultivated.

(2) His Majesty's Government if thought reasonable can recover the control over such forest handed over pursuant to Sub-clause (1) by canceling all the rights given to the Village Panchayat.

30. The Rules applied to the Government Forest will also be applied to the Panchayat Forest: If there were separate arrangement to be undertaken as the rules made under the article 32 of this Chapter, all other rules mentioned for the government forest will also be applied to the Panchayat forest.

31. Power to Decide the Offense regarding Panchayat Forest: (1) The Village Panchayat shall have the power to decide on the offense regarding the punishment of up to Rs. 100 (one hundred only).

(2) The punishment regarding the Panchayat Forest offense recovered from the offender will be available for the Village Panchayat.

32. Power to Make Rules for Regularization of the Panchayat Forest Administration, Management etc.: His Majesty's Government can have Power to make rules regarding the Panchayat Forest for arranging the following rules -

(i) for the management of administration of Panchayat forest, and plantation of saplings and growing,

(ii) decide on the conditions, charges and process for making available the wood and or other forest products to the village people,

(iii) make necessary arrangement for the safety, and proper management of the Panchayat Forest.

### **Chapter - 6**

#### **Private Forest**

33. Inform regarding Private Forest: (1) If anybody willing to establish Private forest in his/her own land (up to 25 ropani in case of valley and hills and up to 5 bigha in case of Tarai) shall inform the Area Divisional Office making clear the boundaries of the area 3 months before the establishment.

(2) If any person already had private forest under the then current Act before the implementation of this Regulation, should register the area with the boundaries by the period of 6 months after the implementation of this Regulation.

(3) But if any person failed to register the area and boundary of his/her private forest

pursuant to sub-article (1) or (2), such person will be devoid of the right and facility provided under this chapter.

But-regarding the trees planted for fencing the private land and fruit trees or any kinds of trees here and there, will not be affected by this regulation so far.

(4) If trees were planted under the sub-article (1) or (2) or (3), then the owner can do or use as s/he wish.

34. The management of Private forest will be by His Majesty's Government: (1) If any person cannot manage the private forest by him/herself and request the government for proper management, government can manage after making an agreement between the owner and government with certain conditions.  
(2) The income from such private forest given to the government for management will be provided to the owner after deducting the cost incurred to look after and manage the forest area.
35. Inform His Majesty's Government to sale the private forest or any products from the Private Forest: (1) If any person want to sale the Private forest or any products from the private forest or leave the right over the private forest in any way, s/he should give a written information to the forest officer at least the Ranger level. There is no charge incurred to give such notice and also no charge is overlaid for the sales or no permission is required to leave the right by any other way.  
(2) If any person sales any product or leave right without giving notice, will be fined 10 percent equivalent by setting the price of the thing to leave the right, except in case the materials used for daily requirement and there was not time to give notice  
(3) The officer up to the level of Ranger can enter the private forest of any person if necessary for investigation.
36. Control or Prohibit with Specific Purpose: (1) His Majesty's Government can control or prohibit the clearance of private forest area to change into agricultural land or cultivate or cattle grazing or let fire or clear bushes by publishing order in the Nepal Gazette if found necessary to conserve land from the damage due to storm, wind, landslide, flood or ice flow or control landslide, cutting of land due to increasing gully or land covering due to sand, boulders, soil for public benefit and to maintain water at the water source or to conserve road, bridge, dam, check-dam, railway line, telephone line or to save the health of all public.  
(2) When the order is commenced pursuant to Sub-clause (1), the authorized officer can start or let the construction work start on any private or uncultivated land for any work under the order thus written using expenses from His Majesty's Government fund.
37. Notice Regarding the Commencement of the Order or Starting the Construction Work:  
(1) A notice to the owners of private forest or uncultivated land be given for filing complaint if they have any proof of claim or rights within thirty five days of the notice before commencing any order or construction work pursuant to Sub-clause (1) of Clause 36 or Sub-clause (2) of same Clause.  
(2) If a complaint is filed within the prescribed time pursuant to Sub-clause (1), The authorized officer should submit his decision suggestion after necessary investigation to His Majesty's Government including the application itself.  
(3) No construction work is done pursuant to Sub-clause (2) or control or prohibition pursuant to Sub-clause (1) of Clause 36 until any decision from His Majesty's Government on the claim filed pursuant to Sub-clause (1).
38. Power to Take Management of Private Forest or the Uncultivated Land by His Majesty's

Government: (1) His Majesty's Government give a written notice to the owners of private forest or uncultivated land to file complaint if any to claim the right, if such person does any action intentionally or neglecting or work in against the order pursuant to Clause 36, and may take such land in control of the local Officer's responsibility after necessary investigation.

(2) His Majesty's Government may manage such private forest or uncultivated land thus controlled pursuant to Sub-clause (1) but shall not be cleared.

His Majesty's Government can control or managed such private or uncultivated land pursuant to Sub-clause (1) and (2) for the maximum period of up to thirty years and if there is any income from such land, the government provide the income to the owner after deducting the cost incurred during the management.

39. Rules applied to Government Forest also applied for the Private forest: The private forest or the cleared land under the management of HMG under the Clause 34 or the private forest or cleared land under the ownership of HMG under Clause 38 Sub-clause (1), all the rules will be applied as the government forest until the are under HMG control.

#### **Chapter - 7**

##### Management for the Export or Transport of Wood or Other Forest Products

40. Power to Frame Rules Related to the Export, Import or Transport of Wood or Any Forest Products: His Majesty's Government can frame rules related to the export or transport of woods from one place to other place. The rules will focus specially on the followings:-
- (i) to fix the ways to and from where the wood or any forest products can be exported or transported,
  - (ii) to prohibit the transport of wood or any forest product without official dispatch paper from the authorized officer or conduct any act in against what was written on the dispatch paper,
  - (iii) to provide such official dispatch paper, to let the paper check, to take the paper back and submit the amount,
  - (iv) the wood or any forest products with reason to believe if the regular price, or the amount has not paid to the government or the stamp is still not laid according to the fulfilment of the process, can stop transport or to investigate or put the stamp on,
  - (v) to arrange a place for depositing wood or forest products and arrange a responsibility to bring in and take away for export from the depot and collect the cost of payment or investigate or place stamp.
  - (vi) to clear the waterway so as not to stop the flow of wood from river or its tributaries by removing the branches, grass or leaves,
  - (vii) to save from such hindrance or to clean such materials or the cost involved in cleaning the river or streams be raised from the one who try or let do such work,
  - (viii) to fix the place for sawing the wood or to cut or to arrange for charcoal preparation and drying, change, erase the stamp or to stamp the wood or prohibit to possess tools for putting stamp or carry such tool or provide only at the prescribed place with the conditions,
  - (ix) to regularize putting the stamp of the owner and to provide registration for limited period and to record the number of such symbols and their time period of validity and take the registration charge,
  - (x) to separate some kinds of wood, or other forest products or some Ilaka (area) from the use of this Clause or rules made under this Clause so as not to hamper the daily life of people.

41. Punishment for Those Who Does in Against the Rules Made Under the Clause 40:  
(1) If any does in against any of the rules under Clause 40 can be fined up to Rupees 500.00.  
(2) If any committed an offence to be punished pursuant to Sub-clause (1) within the period of sun-set to sun rise or force any officer or committed such offence more than one time, the individual be fined up to Rupees 1000.00 or imprisoned for one year or both for such offender.  
(3) The materials tools used in committing such offence may be confiscated.
42. His Majesty's Government may not be responsible if Any Damage Caused While the Forest Products are Within the Custody: His Majesty's Government or the authorized officer may not be responsible if any damage occur while the forest products are in the custody in the government depot thus opened or any place under Clause 40 of this Act.  
But if the damage occurred due to negligence of the officer or with envy or to deceive, then the officer who damage or let damage such wood products shall be made responsible and let him pay of fine.
43. All Compel to Help if There is Any Kind of Natural Disaster: If the wood or other forest products or things in the government depot which is formed under the rules of this Act, are in disaster due to any kind of accident or natural disaster, the government officials or non-government persons are compelled to help to save such materials upon the request of the forest officer for help.

### Chapter - 8

#### Collections of Unclaimed and Stray (Dariyaburdi) Timbers

44. Timber to Belong to His Majesty's Government until Evidence in Support of Claim is Satisfactory and Collection be done Accordingly: (1) All timbers flowing or thrown on the banks, obstructed or submerged in streams, not registered under the Clause 40 of this Act, having markings with any markings scrapped out or altered or worn out or erased in any way or without markings, shall be considered to be the property of His Majesty's Government unless any person gives the evidence of his claim.  
(2) Any forest officer or any officer or staff authorized under the rules formed pursuant to Clause 40 may store the timbers in any depot prescribed for the purpose of storage of unclaimed or stray (dariyaburdi) timber.  
(3) His Majesty's Government, may by a notification published in the Nepal Gazette, exempt timber of any class or category from the provisions of Sub-clause (1) and (2).
45. Notice Regarding the Unclaimed and Stray (Dariyaburdi) Timber: The concerned forest officer shall affix a notice containing full details and inventories of the unclaimed or stray (dariyaburdi) timber collected pursuant to Clause 44 in the concerned division, and any person claiming on such timber shall have to submit an application containing evidence of his entitlement to the above mentioned office within fifteen days.
46. Process of Claiming the Right: (1) Upon the receipt of an application from any person pursuant to Clause 45, the concerned D.F.O. shall after necessary investigation, decide whether the applicant's claim is legitimate or not and shall give its notice to the applicant. If any person is proved to have rightful claim, such timber shall be handed over to him after realizing the expenses incurred on transporting or collecting it in the depot.  
(2) Any person, who is not satisfied the decision made by of D.F.O. pursuant to Sub-clause (1) that he does not have rightful claim, may appeal to the concerned Conservator within 35 days from the date of the notice of such decision.  
(3) The compensation for loss to any timber caused by the rejection of the claim of any

person to any timber or by withholding or loss cannot be claimed against His Majesty's government or the forest officer.

47. Frame Rules and Fix Punishment: (1) His Majesty's Government may frame rules to arrange following:-
- (i) to remove wood from river, streams pursuant to Clause 44, collect and decide on that,
  - (ii) to register the boats to be used for transport or collect such wood,
  - (iii) to bear the cost involved in, bringing, collecting, transporting or arranging such wood,
  - (iv) to put mark on such wood and to register such marks.
- (2) fine up to rupees 500.00 if any person neglect any rules formed pursuant to Sub-clause (1).

### **Chapter - 9**

#### Investigation of Offences and other Procedures under this Act

48. Necessary Action to be taken to Prevent Offences: If a person is suspected of attempting to commit any offence liable to punishment under this Act or if such offence is being committed, any employee involved in the Forestry work or Police employee shall take measures to prevent such offence from being committed and for this purpose he may take all necessary action including the use of necessary force.
49. Power to Search: (1) In case there is reasonable ground to believe that an offence punishable under this Act has been committed, a forest employee of at least up to the rank of Forest Officer or Assistant Police Inspector rank may conduct search to any place.
- (2) The person conducting search pursuant to Sub-clause (1) shall search only serving notification to the owner of the place to be searched or the person immediately occupying the place about the reason of such search before entering into such place.
- (3) To conduct the search under Sub-clause (1) should be carried out in the presence of at least two neighbouring persons as witnesses.
- (4) In case the search is to be conducted in a residential house and if any woman is in that house, information and reasonable time shall be given to get her out of the house.
- (5) Nothing contained in this Clause shall be construed to have entitled the search employee to enter into a residential house from the moment of sunset till the sunrise.
- Explanation: For the purpose of this Clause, the term "Place" includes a tent, a boat as well as vehicles of different categories.
50. Forest Products and other Related Goods may be Impounded: (1) Any employee involved in the Forestry work or Police employee may if there exists reliable ground to believe that this Act or the Rules made thereunder have been violated in relation to Forest Products, impound such Forest Products and all Tools, boats, vehicles and Quadrupeds connected with such offence.
- (2) The employee, who impounds pursuant to Sub-clause (1), shall have to issue a receipt to the owner containing particulars of such impounded goods and submit a report to the Ranger or to the Division Office as soon as possible by marking particular sign in such goods and measuring as well as examining them.
- (3) The employee at least up to the rank of Ranger level of forest office may release the Tools, weapons, boats, vehicles, Quadrupeds etc. except the Forest products impounded pursuant to Sub-clause (1), after a bond furnishing the necessary guarantee signed by the owner of the goods to the effect that such goods shall be presented on the prescribed day and at the prescribed place.
51. Action to be Taken if the Owner of the Impounded Forest Products, Tools, Weapons, Boats, Vehicles and Quadruped are not Traced Out: If only the goods, Forest Products, Tools,

Weapons, Boats, Vehicles and Quadruped are found and if the owner of the goods relating to the offences to be punishable pursuant to this Act could not be found, the investigating employee shall have to affix a warrant and dateline with the order to cease the goods if those are to be ceased or if not to be ceased, have to affix a notice at a conspicuous place prescribing a period of seven days for the co-partner of the owner of the impounded goods, if any stating him to come to file his claim. If a claim of any person is filed upon the goods, it shall have to be submitted to the person after the decision and if no claim is proved to be valid, such goods shall accrue to His Majesty's Government.

52. Perishable goods and Quadrupeds may be Sold: The Forest Officer may sell or auction any perishable goods seized in relation to the offences to be punishable under this Act bringing such goods and quadrupeds to nearest forest office. The amount received from such auction shall be deposited subject to action to be decided upon subsequently.

But if the owner of the goods and Quadrupeds deposit a reasonable amount as prescribed, the forest officer for such goods and quadrupeds, the forest officer can return such goods and quadrupeds to the owner.

53. Power to Arrest Without Warrant: (1) Any forest employee or Police employee may, if any person has committed or attempted to commit any offence to be punishable pursuant to this Act or the rules thereunder, arrest such person without warrant, if there is every likelihood on his escaping in case such warrant is not made.

(2) The arresting officer shall have to produce the person arrested pursuant to Sub-clause (1) before the adjudicating authority within twenty-four hours exclusive of time required for the journey.

54. Power to Release on Bail: (1) Any person arrested under this Act, the person can be released on bail if a maximum limit to prove his offence be paid to the offence punishable only on fine and if no fine is paid shall process for the action putting him in jail.

But if fine is not paid and the officer have proof to believe that person report on the prescribed day and prescribed place when wanted, shall release on bail by letting him sign the paper

(2) The offence punishable to put in jail besides what written in Sub-clause (1) if there is sufficient proof to prove the offence committed by the person, such person shall be put in jail to proceed the action.

(3) If there is not sufficient proof of the offence on the person besides what written in Sub-clause (1) and (2), shall be released only on attendance bail.

55. Punishment to Arrest in Possess Due Intention to Give Trouble: (1) If the forest employee or police employee capture somebody's goods or arrest other due to enmity or just to give trouble without reasonable cause, such forest officer or police employee shall be fined up to rupees 500.00.

(2) The responsibility of producing the basis of proof shall be of the person who put the blame that the intention of the officer or employee involved in arresting is such to the case under Sub-clause (1).

56. Authority to Hear Case: (1) The offence punishable up to rupees 50.00 under this Act whatsoever mentioned in other clauses, the Ranger shall hear and decide the cases and if any person not satisfied with the decision may appeal to the Appellate court.

(2) The officer with the authority to hear case under the Sub-clause (1) of Clause 31, may have all the rights similar to the Nepal law Gazette of the court to ask for the offender and the witness, take hearing, write up and other administrative action.

57. Seized Goods Liable to Confiscate: In case where it is established that an offensive punishable under clause (iii) of Sub-clause (1) of Clause 27 of this Act has been committed, all the Load carriers, tools, quadrupeds and any other equipment seized in connection with the offence shall be confiscated.

Provided that, any tractor, truck, lorry, motor and other vehicles carrying forest products of less than rupees five thousands such tractor, truck, lorry, motor and other vehicles shall not be confiscated, but an additional fine of rupees five hundred to five thousands in addition to the penalty to be imposed by other Clause, shall be imposed.

58. Power to Hand Over the Rights of Clause 51 to 54 to the Concerned Users' Committee: His Majesty's Government may hand over all the rights or part of Clause 51 to 54 availed to the forest officer in offence to the Community forestry to the concerned Users' Committee by publishing notice in the official Nepal Gazette.

#### Chapter - 10

##### Miscellaneous

60. Not Responsible for the Acts Performed in Good-faith: No forest officer or employee shall be responsible for any acts performed while carrying out his duties under this Act in good-faith.
61. Punish if Obstructs the Work of the Forest Officer: While carrying out his duties, if any person obstructs the officer in his work, such person shall be imprisoned for up to one month or fine of up to rupees 200.00 or both.
62. Abolishment: (1) The Nepal Law Gazette mentioned this Act is abolished.  
(2) The Nepal Law Gazette, which contradicts to the rules under this Act, shall be considered abolished or revised to suit this Act.

Safety: If this act was inactive under the article 55 (4) of the constitution and not replaced by any other law, the law supposed to abolish and will work under the explanation of the Act 2010 (B.S.) article 4 will be applied.

### ANNEX - 3

#### **Forest Protection (Special Arrangement) Act, 2024 (1967)**

Commencement and date of publication 2024-7-6 B.S.(October 1967, 23 A.D.)

##### Act revision

1. Forest Protection (Sp. Arr.) (First revision) Act 2027 (1970)
2. Forest Protection (Sp.Arr.)(Second revision) Act 2034 (1977)
3. Forest Protection (Sp.Arr.) (Third revision) Act 2035 (1978)
4. Fourth
5. Justice administration
6. Some revision Act

#### Act made for protection and proper management of forest.

Preamble: The special conservation and proper management of forest is found necessary for peace and retaining economic benefit and morality of all the public, HMG has framed this Act with the suggestion from Rastriya Panchayat (the National Council).

1. Short Title, Commencement and Period: (1) This Act may be called "Forest Protection (Special arrangement) Act, 2024 (1967).  
(2) This Act is valid till the end of 2053 Chaitra month (1957 mid April).

- (3) This Act shall be implemented from the date mentioned at the mentioned districts after the publication of a notice on the national gazette by HMG.
2. Definitions: In this Act, unless the subject or context otherwise requires;
- a. "Forest" means all forests in the country except private forest and community forest and bare land, river, lake, road etc. within such forestland.
  - b. "Forest products" means the products which are contained or found in or brought from;
    - i) timber, charcoal, catechu, rosin, wood-bark, lac, pipla, pipli, or,
    - ii) trees, leaves, fruits, mahuwa (*bassia longifolia*), chiraito (*swertia chiraito*), honey and all kinds of wild herbs, vegetation and different parts or organs thereof, or
    - iii) boulders, soil, stones and any kinds of products from mine, or,
  - c. "River" means natural or artificial river, stream or canal.
  - d. "Wood" means cut, fallen or wood used for making some material.
  - e. "Tree" means bamboo, cut tree, cane, stump buried on land.
  - f. "Load carrier" means cart, bull or buffalo to drag carts, trucks, lorries, motorcars, boats or similar other means or animals used for transportation of forest products.
  - g. "Remove" means bring out from boundary or try to bring out or export to foreign country.
  - h. "D.F.O." means the Chief Officer to operate the District forest Office or the Forest Ranger appointed by HMG for his work or any other officer appointed by publishing in the National Gazette.
  - i. "Forest Officer" means any government staff appointed, authorized or designated to carry out the work of management and conservation under the rules made by this Act.
  - j. "Tools" means all categories of agricultural tools used for reclaiming or ploughing forest areas as well as knives (*khukuris*), axes, saws and machines used for cutting or peeling trees and plants.
  - k. "Forest boundary mark" means any poles made up of wood, stone, cement or any kinds of material or plank used to mark the boundary of forest area.
  - l. "Marking" means any seal, sign or symbol to be affixed on any timber or standing tree.
  - m. "Quadruped" means four-footed pet animal of any breed.
3. Prohibition on any damage or removal of forest or forest products: Any person should not do or try to do the following without prior permission from HMG or DFO or the officer designated by HMG as published in the National Gazette;
- a. remove forest products valuing more than Rs.50
  - b. to construct house or hut or clear land or let somebody do such thing within the forest area, removing or not removing any forest products
  - c. cut trees or plants, fell, peel bark to let tree dry up, cut branch, let tree dry or put fire in the forest
  - d. damage or try to damage forest or forest products by any means to the land within forest
  - e. relocate, change, damage or erase the forest boundary symbol
  - f. change the government marking, erase, damage to extent that the identity be unclear or forge the marking
  - g. cut or uproot plants at the plantation area or by any means damage the plants
  - h. damage or steal the pole, wire or similar kinds or property at the plantation area
  - i. damage forest products to extract more than mentioned in the license obtained to extract.
4. Prohibit to let the offender flee: Nobody should try to let flee by any means the offender captured with forest products or load carrier due to the offence pursuant to Clause 3.

5. Collective responsibility: (1) It is the responsibility of local people, concerned Village Development Committee, Town or Municipality or any government officer not to cause the offence pursuant to Clause 3 or capture or help to capture such offender.  
 (2) It will be the responsibility of any person when help is demanded to capture anybody along with the tools used to remove forest products and to submit the offender at the concerned government office as notified in the National Gazette.  
 (3) When the offender and materials submitted pursuant to Sub-clause (2), the concerned officer or office shall receive them and start necessary investigation immediately.
- 5A. His Majesty's Government to be Plaintiff: His Majesty's Government shall be the Plaintiff in all cases under this Act.
- 5B. Investigation and Filing of the Cases: (1) The investigation into the cases relating to the offences punishable pursuant to this Act, whatever written in the Act related to the government case 2017 (1961), shall be conducted by the employee at least upto the rank of non-gazetted second class Forest Assistant and he shall file the case to the adjudicating authority on behalf of the concerned Forest Office.  
 (2) the concerned forest officer can take the advice from the Government lawyer while investigating the case pursuant to Sub-clause (1).  
 (3) whatever written in Sub-clause (1), if the offender be punished under the aegis of the officer handling the case or the suspect was proven or the he himself found the offender with the load carrier and forest products or any such complaint was submitted by somebody, the officer himself may investigate and handle the case.
- 5C. Power to Search: (1) In case there is reasonable ground to believe that an offence punishable under this Act has been committed, a forest employee of at least the rank of Forest Officer or Assistant Police Inspector rank may conduct search to any place.  
 (2) The public officer conducts search pursuant to Sub-clause (1) shall search only by serving notification to the owner of the place to be searched or the person immediately occupying the place about the reason of such search before entering into such place.  
 (3) To conduct the search under Sub-clause (1), should be carried out in the presence of at least two neighbouring persons as witnesses.  
 (4) In case the search is to be conducted in a residential house and if any woman is in that house, information and reasonable time shall be given to get herself out of the house.  
 (5) Nothing contained in this Clause shall be construed to have entitled the search employee to enter into a residential house from the moment of sun-set till the sun rise.
- 5D. Perishable goods and quadrupeds may be sold: The Forest Officer may sell or auction any perishable goods seized in relation to the offences to be punishable under this Act bringing such goods and quadrupeds to nearest forest office. The amount received from such auction shall be deposited subject to action to be decided upon subsequently.  
 But if the owner of the goods and quadrupeds deposit a reasonable amount as prescribed, the forest officer for such goods and quadrupeds, the forest officer can return such goods and quadrupeds to the owner.
6. Award prize: The income by the formal process of auction of the confiscated forest products, load carrier or other materials after the investigation of the offence under this act, will be provided 20% if the informer is government staff or 30% if non-government person as award. The rest shall be deposited in the saving fund.
7. Special Power: (1) While trying to capture the offender within the government forest, the government staff can shoot the offender below the knee in case of his own life at stake.

Explanation: For the purpose of this act, forest conservation officer means the conservator, DFO, Ranger or any armed government staff or forest guard appointed for forest conservation and proper management.

(2) Though any person had already constructed house or hut within the government forest, the government staff at least the position of DFO or forest conservation officer can remove such cleared land or house or hut and even confiscate the crop grown.

(3) Whatever written in the Sub-clause (2), this Sub-clause does not affect any other punishments under this act.

8. **Fix the amount:** The amount will be fixed as fixed in the Rules.

9. **Punishment:** (1) The following punishment shall be imposed to the person committing the offences under this Act;

a) If the offence under the Clause (a) of clause 3 is committed, the person will be fined equivalent to the amount involved and the material if the amount is more than Rs.5,000, and fine of Rs.2,000 and 1 year in jail. If the amount involved is from Rs.1,000 to Rs.5,000, the punishment will be equivalent to the amount involved and the material and fine of up to Rs. 500 and 2 months in jail.

b) If a person commit offence as per the Clause (b) of clause 3, in clearing forest land by removing forest products or any method or let other clear the forest land or construct house or hut or let other construct, such person will be charged as per the Clause (a) of this Sub-clause and if the clearing of land is in Tarai, a fine of Rs.200 per bigha or Rs.50 per ropani elsewhere will also be imposed. If a house or hut has been constructed, such will also be confiscated. If the forestland is cleared without removing forest products and house or hut is constructed, a fine of Rs.200 per bigha in Tarai or Rs. 50 per ropani elsewhere or jailed for 1 year or both including confiscation of the house or hut.

c) If an offence under the Clause (c) of Clause 3 is committed to put fire in the forest, a fine as per the damage involved and 2 years in jail. If no materials involved and only attempting to put fire will be fined up to Rs.200 or 6 months in jail or both. A fine of up to Rs.500 or 6 months jail or both will be imposed if an offence of cutting tree, fell or any method to cause drying of tree is done or let others do. A fine of Rs.10 up to Rs.200 or 1 month in jail or both will be imposed if anybody cut or damage small plants with intension of causing forest damage.

d) If an offence under the Clause (d) of Clause 3 is committed or let other commit, causing damage to the land within forest such person will be fined from Rs.10 to Rs.500.

e) If an offence under the Clause (e) or (f) of Clause 3 is committed, a fine up to Rs.2,000 or 2 months in jail or both can be imposed.

f) If an offence under Clause (g) of Clause 3 is committed, a fine of Rs.10 to Rs.100 per plant will be imposed.

g) If an action in again of Clause (h) of clause 3 to remove pole or wire fence or damaging other similar property, a fine of Rs.20 up to Rs.100 or 2 months in jail or both will be imposed. If steals such materials, a punishment equivalent to the amount involved or 6 months in jail or both be imposed and recover the material.

h) If an offence under Clause (i) of Clause 3 is committed, a fine equivalent to the amount involved with punishment or fine of Rs.500 additional be imposed.

(2) If an offence under clause 4, a punishment of 6 months in jail for the one who help the one letting other flee and 1 year in jail for the one who lets the offender flee.

(3) The government staff will be jailed for 2 years if disobeys the duties under the clause 5

and encourage and cooperating other.

(4) The fine and punishment will be the same for those who encourage and cooperate other to commit offence under the Clause 3.

(5) Whatever written elsewhere in this act, the offence of which the equivalent amount was not decided a fine of up to Rs.500 or 6 months in jail or both will be imposed for such offence committed.

9A. Confiscate the materials captured: If the offence under this act was proved, all the materials of forest products, load carrier, tools, quadruped or others will be confiscated as per the punishment.

But if the truck, lorry, motor or tractor used for bringing forest product amounting less than Rs.5,000, the truck, lorry, motor or tractor will not be confiscated instead fine imposed for the case relating to the offence amounting to Rs.500 to Rs.5,000 under the Clause 9 will be imposed.

10. Authorized Officer to hear case: (1) For the purpose of decision to be taken under this Act, HMG shall form a special One-man Court by publishing notification in the national Gazette. (2) The special court formed pursuant to Sub-clause (1) will use the process and right under the Special Court Act 2031.

(3) An appeal to the Appellate Court can be filed within 35 days of the decision given by the special court formed pursuant to Sub-clause (1).

(4) The special Courts formed under the Special Court 2031 for the purpose of investigation and decision-taking process under this act shall be considered as formed under this Act also and the cases filed in the court shall be investigated and decided under the same.

11. Power to Frame Rules: His Majesty's Government may frame rules for carrying out the objectives of this Act.

12. Action to be taken if this act conflicts with other law: Action shall be taken as per the rules written under this Act or related to this Act and for others shall be according to the general purpose law.

**Notes:** Forest Protection (Special Arrangement) Act, 2024 (1967) implemented areas:

(1) Areas under the division offices of Jhapa, Biratnagar, Hanumannagar, Janakpur, Birgunj, Chitwan, Lumbini, Kapilbastu, Dang, Banke, Bardiya, Kailali and Kanchanpur, from 2024, 11.7 (Feb.1968) as published in the Nepal Gazette 2024.10.8 (Jan. 1968).

(2) Areas added Trishuli, Chautara and Kathmandu on same date.

(3) Implemented on all the remaining districts from 2027.9.1 (Dec.1970).

#### ANNEX - 4

#### Panchayat Forest Rules 2035 (1978)

Published in Nepal Gazette

Amendment

Date 2035.3.14 B.S. (June 1978, 28)

As per Article 32 of Forest Act 1961, HMG has framed the following Rules:

His Majesty's Government made following rules using the right provided by Forest Act 1961 Clause 32.

1. Short Title and Commencement:

(1) The rules may be called "Panchayat Forest Rules 2035 (1978).

(2) It rules shall come into force at once.

\*2. Definitions: Unless otherwise meant with reference to the subject or context, in this Rules

(1) "Act" means the Forest Act of 2018 (1961).

(2) "Approved Plan" means the Forest Plan approved by His Majesty's Government.

3. Determination of Panchayat Forests:

\* (1) For the purpose of developing forests through reforestation of any government forest or any part thereof, which has been rendered waste, or in which only stray trees are left, ordinarily a maximum of 200 bighas (130ha) in the Tarai region, and a maximum of 2,500 ropanies (125 ha) elsewhere can be awarded for one Village Panchayat to maintain as Panchayat forest.

Explanation: "Severely degraded or forest only with stray trees" means the Government Forest which can not be developed into forest by preserving the trees in their existing condition, and which can be developed only by reforesting at least two-thirds of the area.

(2) The Panchayat forest area determined under the sub-rule (1) shall have clearly demarcated forest boundary distinguishing from the \* Government forests.

(3) Panchayat Forests may be handed over to the local Panchayat in one lot or in different lots within the limit prescribed pursuant to sub rule (1). The Panchayat shall not be given additional lots unless it has planted trees on the one handed over or made proper arrangement for the protection of trees, which have already been planted.

4. Application to be submitted for planting Panchayat Forest: Any village Panchayat desirous of planting a Panchayat Forest, shall submit an application in the format prescribed in Appendix I to appropriate DFO.

5. Handing over of Panchayat Forests: (1) In case any village Panchayat submits an application pursuant to Rule 4, the DFO shall conduct necessary inquiries. If he finds it appropriate to hand over the government forest area mentioned in the application, or any part thereof, to the village Panchayat as the Panchayat forest, he shall send the application to the Chief Conservator with his recommendations.

(2) The appropriate Conservator shall conduct necessary inquiries in respect to the recommendation submitted under sub rule (1). If he finds appropriate to hand over the government forest to the village Panchayat, he may issue order to the DFO accordingly.

(3) The DFO after receiving the order pursuant to Sub-rule (2), he shall allot Panchayat Forest to the concerned village Panchayat with the demarcation of the forest area.

6. Certificate of Panchayat Forest: After any Panchayat Forest has been allotted to any Village Panchayat under Sub-rule (3) of Rule 5, the appropriate DFO shall issue a Certificate of Panchayat forest in the format prescribed in Appendix II.

7. Records of Panchayat Forests to be maintained: After a Panchayat Forest has been allotted to any Village Panchayat under these rules, the concerned DFO shall maintain records thereof and send one copy of such records to the appropriate Forest Circle Office, one copy to Forest Department and a copy to the concerned District Panchayat.

8. Panchayat Forest to be located within the appropriate Village Panchayat: A Panchayat Forest to be allotted under the Act and Rules shall be located within the area of the village Panchayat to which it is to be allotted.

9. Plantation of seedlings shall be conducted within three years: The concerned Village Panchayat shall plant tree seedlings in the Panchayat forest within 3 years after receiving a certificate pursuant to Rule 6.

10. Free supply of seeds and saplings: Seeds and seedlings required for planting a Panchayat forest shall be made available free of cost by the Forest Division office to the concerned Village Panchayat.

11. Protection and Conservation of Panchayat Forests: For the purpose of protection, proper management and conservation of Panchayat forests, the concerned village Panchayat shall undertake the following functions under the general supervision of Forest Department Office.
  - a. Plant seeds, saplings or trees in the Panchayat Forest.
  - b. Take care of the forest and develop it.
  - c. Act according to the plan of operation prepared by Forest Division Office in relation to Panchayat forest.
  - d. Undertake other necessary functions.
12. Prohibited activities in the Panchayat Forest: The village Panchayat shall not perform or direct the performance of any of the following activities in a Panchayat forest:
  - a. Sell, mortgage, or otherwise alienate the forest or any ways to transfer the ownership.
  - b. Reclaim the forest for agriculture,
  - c. +Use lands for gardens or orchards or for growing crops or as farms.
  - d. +Build huts or houses for purposes other than protection of forests.
  - e. Use the land in any other ways other than as prescribed in the approved plan.
13. Sale and supply of Forest Products: (1) The concerned village Panchayat may sell and supply forest products from the Panchayat forest for use by the people of the area of its jurisdiction.
  - (2) If the forest products are in excess of the requirements of the residents of the village Panchayat, the concerned village Panchayat may the surplus forest products for the use by the people from other village Panchayat areas.
  - (3) Forest Products may be sold or exported from the Panchayat forest every year under Sub-rule (1) or Sub-rule (2) only within the limits of the annual production.
  - (4) In case forest products to be sold or exported under sub-rule (3) are procured through wholesale selling of timber, the concerned village Panchayat shall undertake reforestation in the Panchayat forest within one year and ensure protection, proper management, and conservation thereof.
14. Fixing price for sale of Forest Products: The prices of forest products of the Panchayat forest shall be fixed by the concerned village Panchayat, and particulars of such prices shall be sent to the appropriate Division Office.
15. Permits and records of Sales of Forest Products: (1) While selling and supplying the Forest Products, the concerned Village Panchayat shall prepare three copies of the permit in the form prescribed in Annex-3. One copy shall be issued to the buyer, one copy sent to the appropriate Forest Division Office and one copy to be retained by the Village Panchayat.
  - (2) The concerned Village Panchayat shall maintain accurate accounts of the sale or supply of forest products from the Panchayat forest.
16. Scrutiny of Permits: The concerned Village Panchayat shall release the forest products bought by any person from the Panchayat forest after purchasing the same on the basis of permit obtained under sub-rule (1) of Rule 15 only after scrutiny and endorsement thereof.
17. Income to be credited to the Village Panchayat fund: The income from the sale or the supply of Forest Products from the Panchayat forest shall be credited to the fund of the concerned Village Panchayat.
18. Income from Panchayat Forest to be allocated for the Forest protection: The concerned village Panchayat shall allocate at least 50 percent of the total income from the Panchayat

forest for the protection and conservation, as well as for reforestation.

19. Annual Report: (1) The concerned Panchayat shall submit an annual report of the Panchayat Forest to the appropriate Forest Division Office and District Panchayat within one month from the date of expiry of each fiscal year.  
(2) The appropriate Divisional Forest Office shall conduct necessary inquiries in respect to the annual report submitted under Sub-rule (1), and then submit a report of his own to His Majesty's Government through the appropriate Conservator.
  20. Directives to be complied with: The directives issued by the forest Department from time to time in respect to Panchayat forests shall be complied with by the concerned Village Panchayats.
  21. Obtain Certificate of the Panchayat Forest handed over earlier: In the case of Panchayat forests allotted to any Village Panchayat by HMG prior to the commencement of these Rules, the concerned Village Panchayat shall obtain a certificate thereof under these rules by notifying the appropriate Division Office within three months from the date of commencement of these rules.
  22. Repeal: The Panchayat Forest Rules of 2025 (1968) have been repealed.
- Note: \*Addition with First Amendment + Amended by First Amendment.

Appendix - I (Pertaining to Rule 4)

**Form of Application**

The Divisional Forest Officer,  
..... Forest Division Office.

Being desirous of planting a Panchayat forest for the purpose of developing forests through reforestation in accordance with the working plan on forests, subject to the provisions of the 1961 Forest Act and the 1978 Panchayat Rules, I hereby request the allotment of the following forest area to this Panchayat. Particulars are given below:

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

Name of Chairman of the Village Panchayat:

Seal of Village Panchayat:

Date:

Appendix - II (Pertaining to Rule 6)

**Form of Certificate**

HIS MAJESTY'S GOVERNMENT

Department of Forests

.....Forest Division Office

CERTIFICATE OF PANCHAYAT Forest Policy

.....Panchayat,

This certificate of Panchayat Forest is issued to the above mentioned Panchayat for the purpose of developing forest through reforestation in the following forest area in accordance with the forest working plan, subject to the 1961 Forest Act and the 1978 Panchayat Forest Rules:

- |                                  |   |
|----------------------------------|---|
| a. Name of the Panchayat Forest: | Name of the Office issuing the Certificate: |
| b. Boundaries:                   | Designation:                                |
| c. Area:                         | Signature:                                  |
|                                  | Date:                                       |

Appendix - III (Pertaining to Sub-rule (1) of Rule 15)

Form of Permit

**Permit for Sale and Supply of Forest Products**

- a. Name of Panchayat forest:
- b. Name and address of buyer:
- c. Category of forest products:
- d. Quantity:
- e. Time-limit within which forest products must be taken out:
- f. Fees:
- g. Signature of person selling or supplying forest products and date:
- h. Seal of the Village Panchayat:

Signature of person receiving the permit:

**ANNEX - 5**

**Panchayat Protected Forest Rules 2035 (1978)**

As per Clause 32 of Forest Act of 1961, HMG has framed the following Rules;

1. Short title and commencement: (1) These Rules may be called Panchayat Protected Forest Rules, 1978.  
(2) These Rules shall come into force immediately.
2. Definition: Unless otherwise interpreted differently, the following means:
  - a. "Act" means Forest Act of 1978.
  - b. "Local Panchayat" means the Village or Town Panchayat.
  - c. "Approved plan" means the forest plan approved by His Majesty's Government (HMG).
3. Determination of Panchayat Protected Forests: (1) For the purpose of protecting and properly managing any government forest or part thereof, ordinarily 400 bighas in the Tarai and 10,000 ropanis elsewhere shall be determined as Panchayat Protected Forest for every Village Panchayat.  
(2) Panchayat Protected Forests may be handed over to local Panchayat in one lot or in different lots within the limits prescribed in Sub-rule (1). Provided that such local Panchayat shall not be given additional lots unless it has made arrangements for the proper protection and management of the previous handed over lots.
4. Panchayat protected forest to be located within the concerned Panchayat area: (1) Panchayat protected forests determined under the Act and these Rules must ordinarily be located within the Panchayat to which it is to be handed over.  
(2) The Panchayat protected forest determined under Sub-rule (1) must have clear demarcation distinguishing from the government forest.
5. Application to be submitted for Panchayat Protected Forest: Any local Panchayat desirous

of having Panchayat protected forest to protect and manage properly shall submit an application to the appropriate Divisional Forest Officer in the form prescribed in Appendix I.

6. Panchayat Protected Forest to be handed over: (1) In case any local Panchayat submits an application under Rule 5, the concerned DFO shall conduct necessary inquiries and finds it reasonable to hand over the government forest mentioned in the application as a Panchayat protected forest, shall forward the application to the appropriate Conservator along with his recommendations.  
(2) The Conservator in his part shall conduct necessary inquiries in respect to the recommendations submitted under Sub-rule (1). In case he finds it appropriate to have a Panchayat protected forest determined and handed over to the concerned Panchayat, he shall issue orders to the concerned DFO accordingly.  
(3) After an order is received under the Sub-rule (2) the appropriate DFO shall determine the Panchayat protected forest and hand it over to the concerned Panchayat.
7. Certificate of Panchayat protected forest: After any Panchayat protected forest has been determined and handed over to any Panchayat under Sub-rule (3) of Rule 6, the concerned DFO shall issue a Certificate of Panchayat protected forest in the form prescribed in Appendix II.
8. Records of Panchayat protected forests to be maintained: After a Panchayat protected forest has been determined and handed over to any Panchayat under these Rules, the appropriate Forest Division Office and Panchayat shall maintain records thereof, and send one copy of such records to the forest Department, one copy to the concerned Forest Circle Office, and one copy to the appropriate District Panchayat.
- 8a. Free supply of Seeds and saplings: Seeds and saplings required for maintaining Panchayat protected forests, and for their reforestation and proper management, shall be supplied free of cost to the local Panchayat by the local Forest Office.
9. Protection and proper management of Panchayat protected forests: It shall be the duty of the Panchayat to protect and properly manage the Panchayat protected forest under the general supervision of the Divisional Forest Office. It shall undertake the following functions for the purpose of the protection and proper management of such forest;
  - a. Maintain and protect the forest.
  - b. Prevent the poaching of forest products.
  - c. Ensure the safety of forests from fire.
  - d. Prevent obstructions to trees, cutting of branches, removal of gum or bark, or any other kind of damage.
  - e. Prevent the extraction of stones, earth or sand.
  - f. Act according to the working plan drawn up by the Divisional Forest Office in relation to Panchayat protected forest.
  - g. Undertake other necessary functions.
10. Actions prohibited within Panchayat protected forests: The Panchayat shall not perform or direct the performance of any of the following actions in a Panchayat protected forest;
  - a. Damage or destroy the forest, or sell, mortgage or otherwise alienate it.
  - b. Reclaim forests.
  - c. Use lands as gardens or orchards, or for growing crops as farms.
  - d. Build houses or huts for the purpose other than protection of forests.
  - e. Use the lands in any manner other than as prescribed in the approved plan.

11. Sales and supply of forest products: Forest products of a Panchayat protected forest shall be sold or supplied in accordance with current law relating to the sale and supply of forest products.  
But the concerned officer may supply grass, leaf litter, fodder, fuelwood and medicinal herbs free of cost to the people of the concerned Panchayat for their daily use in accordance with the approved plan..
12. Inspection of the Panchayat protected forest: Every year, within three months of the expiry of the fiscal year, the concerned DFO shall inspect Panchayat protected forests and submit an annual report to HMG through the appropriate Conservator.
13. Subsidies available to the local Panchayat which protects and properly manage forests: (1) In case the DFO, in the course of the inspection of any Panchayat protected forest under Rule 12, finds that the concerned local Panchayat has protected and properly managed such forest, he shall forward a recommendation for subsidies to such local Panchayat to HMG through the appropriate Conservator.  
(2) In case a recommendation is forwarded under the Sub-rule (1) HMG shall accordingly make available a subsidy amounting to 75 percent of the income accruing from the Panchayat protected forest to the concerned local Panchayat.  
(3) HMG shall inform the appropriate District Panchayat also of the subsidy granted under the Sub-rule (2).  
Explanation: The expenses incurred in the course of sale and supply of the forest products of a Panchayat protected forest shall be deducted and the balance shall be deemed to be income of the Panchayat protected forest.
14. Income to be credited to the Panchayat fund: The amount received, as subsidy under Rule 13 shall be credited to the fund of the concerned Panchayat.
15. Directives to be complied with: The concerned local Panchayat shall comply with the directives issued by the Forest Department from time to time in respect to Panchayat protected forest.
16. Annual report to be submitted: Within one month from the date of the expiry of fiscal year every year, the concerned local Panchayat shall submit a report to the appropriate Divisional Forest Office and District Panchayat.

#### Appendix-I (Pertaining to Rule 5)

##### **Form of Application**

The Divisional Forest Officer,

.....Forest Division Office.

I hereby apply for handing over the following forest area to this Panchayat as Panchayat protected forest for the purpose of protection and proper management after determining the same subject to the 1961 Forest Act and the 1978 Panchayat protected forest Rules. Particulars are given below;

- a. Name and address of the Panchayat desirous of having a forest area determined as a Panchayat protected forest for the purpose of protection and proper management:
- b.
  1. Name of government forest sought to be protected and properly managed:
  2. Boundaries:
  3. Area:
- c. Species of trees available in the government forests:

- d. Whether or not there exist wild animals in government forest; if so their species:
- e. Whether or not the boundaries of the government forest have already been demarcated:
- f. Whether or not land tax or any kind of revenue paid:
- g. Whether or not land in that forest area has been cultivated during the past three years.
- h. Whether or not (the applicant) is willing to sell or supply forest products in accordance with the working plan framed by the Forest Division Office.

Name of the Chairman of the Panchayat:

Seal of the Panchayat:

Date:

Appendix-II (Pertaining to Rule 7)

**Form of Certificate**

HIS MAJESTY'S GOVERNMENT

Department of Forests

.....Forest Division Office

Certificate of Panchayat Protected Forest

.....Panchayat

The Panchayat mentioned has been awarded this Certificate of Panchayat Protected Forest for the purpose of protection and proper management of the following government forest subject to the 1961 Forest Act and the 1978 Panchayat Protected Forest Rules.

- a. Name of the Panchayat Protected Forest:
- b. Boundaries:
- c. Area:
  - Name of the Officer issuing the Certificate:
  - Designation:
  - Signature:
  - Date

**ANNEX - 6**

**Contract of Agreement between Panighat Forest User Group and  
District Forest Office for Forest Hand Over  
Contract for Forest Management**

According to the agreement made between Kathmandu District Forest Office and the Panighat Forest Users' Group, the forest area within the boundary, stream near Kami's house in the east, Chihan Danda near Karki's house in the west, ridge of the hill towards Lapsephedi VDC in the north and agricultural land of Palubari village in the south, is contracted to the Panighat Forest Users' Group based on the arrangement in Community Forestry Act and the rules, regulations and directives made thereunder. It is also agreed by both the parties to use and let use as mentioned in the Operation Plan and to conserve, protect and develop the forest for the period of 5 years from the day of handing over.

Ganesh P. Pokharel  
President  
Panighat Community Forest  
Users' Committee

Gopal P. Kafle  
District Forest Officer  
District Forest Office  
Kathmandu

Suntol VDC Ward No. 8  
Kathmandu.

2051/12/15 (29 Mar 1995)

### Part - 1

#### 1. Historical Background

Geographically, Sankhu Suntol VDC Ward No. 8 Palubari village is located about 15 km east of the district headquarters, Kathmandu. The VDC is bordered with Bhaktapur district and Lapsephedi VDC in the east, Lapsephedi VDC and Salinadi river in the north and Salinadi and Sankhu bazaar in the south. A place of natural beauty, this Suntol is covered by forest towards the upper part while the flat agricultural land extends towards the south west along with the holy Salinadi. It would have been much more beautiful if the forest was dense as before. Due to the increase in population and pressure of Urbanization, the eyes of people could not be laid off from the green beautiful trees standing as guard in this village and now the forest stands half naked. Again, many tree species like *Castanopsis indica*, *Schima wallichii*, *Bassia latifolia* (Mahuwa), *Pinus roxbourghii*, *Quercus incana* are continuously disappearing from this forest. So we are unable just to see the seedlings dying due to lack of medicine or proper conservation. That is why we try to protect and conserve the seedlings and certainly include afforestation. If we could do this, we hope to have bright future of the forest.

#### 2. Forest boundary and condition

##### 2.1 Boundary of the forest area;

- |          |   |  |
|----------|---|--|
| 1) East  | - | Stream near Kami's house forest (Chino stream) |
| 2) West  | - | Hill near Karki's house (Chihan danda)         |
| 3) North | - | Ridge of hill (watershed)                      |
| 4) South | - | Agricultural land of Palubari village          |

##### 2.2 Forest condition-Degraded forest but the condition is improving

(Area - 53.75 ha)

- |                  |   |   |
|------------------|---|---|
| 2.3 Forest Type  | - | Schima-Castanopsis forest   |
| 2.4 Main species | - | Pinus, Schima, Prunus, Myrica, Kalikath,<br>Rhododendron, Castanopsis, Ulnus, Myrsine (Setikath),<br>Camellia (Hinguwa), etc. |

#### 3. Ownership

The overall ownership of this forest is with the government, however, the right to conserve, protect and use remain with the users of Palubari village, Ward no.8 of Suntol VDC.

#### 4. Purpose of Forest Management

- 1) to obtain fuelwood, grass, leaves, leaf litter
- 2) for conservation of soil
- 3) to obtain wood (for construction)
- 4) to conserve water springs or increase water resources
- 5) to make the environment clean and green

#### 5. Forest Users' list: attached in Annex

#### 6. Definition of forest Users

- 1) Forest Users means those Forest Users as listed from Palubari Village, Ward no. 8 of Suntol VDC.
- 2) The sons, grand sons or great grand sons of those listed but separated from the families of listed Forest Users.

3) Those who purchased the house including agricultural field, land from the listed Forest Users and permanently migrated in Palubari Suntol VDC.

4) If somebody besides those mentioned above have to be included in the Users' Group because of their in-migration in the village, they can be included only after the decision of the Users' Committee and a payment of Rs.200/- (Rupees two hundred) to the Committee.

#### 6.1 Condition to be Forest User

1) Annual fee of Rs.15 has to be paid for joining the Forest Users' Group as a member

2) Fee has to be paid for the whole year at a time. Membership has to be obtained by the month of Baisakh (first month of Nepali Year or Apr/May).

3) Agreement contract cannot be given or taken

#### 6.2 Meeting of the Forest Users' Group

Meeting of the Forest Users' Group will be conducted two times a year, in the months of Baisakh and Kartik (first and seventh of Nepali year or Apr/May and Oct/Nov), but in case of necessity, can be conducted more than mentioned. The Executive Members will have to inform the Users about the day of meeting at least 15 days earlier. All the Users have to be present during the meeting. The meeting could not be conducted if only less than two third members are present.

#### 6.3 Meeting of the Forest Users' Committee (executive members)

The meeting of the Forest Users' Committee will be held generally once a month, first Saturday (of Nepali month), but can be held any time if needed. The Committee will keep all the evaluation of activities, account and summary of activities along with decisions made for implementation. The Executive Committee's term will be for 3 years.

#### 6.4 Name list of the Executive Committee Members is as follows

<b>S. No.</b>	<b>Position</b>	<b>Name</b>	<b>Signature</b>
1.	President	Ganesh Prasad Pokharel	
2.	Vice President	Kamal Bahadur Tamang	
3.	Secretary	Rishi Raj Dahal	
4.	Treasurer	Ram Bhakta Shrestha	
5.	Member	Bhimsen Pokharel	
6.	Member	Ram Saran K. C.	
7.	Member	Asha Bahadur Shresth	
8.	Member	Sakta Tamang	
9.	Member	Surya Bahadur Tamang	
10.	Member	Bharat Dahal	
11.	Member	Chhetra Bahadur Neupane	

### **Part - 2**

#### 7. Work, Duties and Responsibilities:

##### 7.1 Work, duties and responsibilities of District and Ilaka (Area) Forest Office.

1) District and Ilaka Forest Office will supervise the Forest Users' Group (FUG) whether the work is carried out according to the Operation Plan.

2) The District and Ilaka Forest Office could make new contract and direction according to the context of changing of time if both the parties agree with clear justification.

3) Ilaka Forest Office will supervise the implementation of Operational Plan by attending the meetings with the Users' Group Committee regularly.

4) Ilaka Forest Office will provide technical suggestions including weeding, pruning, thinning.

5) The Users' Committee could report/request the District/Ilaka Forest Office for necessary action to somebody if he/she had done some damage in the forest with justification. To this the District Office can punish the offender according to the Act and regulation.

6) The District/Ilaka Forest Office has right to nullify the Contract of Agreement if the Users' Group function against the regulations made.

#### 7.2 Work, Duties and Responsibilities of the Forest Users' Committee

1) The Forest Users' will decide the charges to be raised for the punishment or donations or the amount of monthly fees in the mass meeting or general assembly.

2) If part or all the executive members of the Users' Committee act in against the Operational Plan, part or all of them can be changed.

3) Funds collected could be used for afforestation, construction of fire line, roads trails, resting place, pond spring, school, temple, etc.

4) The Forest Users' Committee can be provided the rights, which were originally with all of the forest users.

5) If the forest users create obstructions to implement the Operational Plan, the Users' Committee can write to the District Forest Office for the cancellation of the agreement.

6) District/Ilaka Forest Office could be provided with the financial breakdown.

7) The annual income expenditure has to be endorsed by the Users.

8) The Forest Users' Group can decide the rate of forest products keeping with the above-mentioned Constitution, Act and Regulation.

#### 7.3 Work, duties and Responsibilities of the Executive Members of the FUG Committee is as follows:

##### President

1. Call the meeting
2. Provide necessary directions by evaluating the Committee's work
3. Chair the meeting
4. Provide decisive vote on any topic of discussion if required.

##### Secretary

1. Run the meeting
2. Keep records of the meetings
3. Work according to the direction provided by the President.

##### Treasurer

1. Keep accurate records of all incomes
2. Supervise financial activities
3. Submit financial statements in the Users' Group assembly
4. Open up an account in the bank and help the President and Secretary in operating the cheque/cash.

##### Member

1. Communicate the Users voices/opinions to the Users' Committee and also communicate the Committee's decisions to the Users.
2. Work according to the President's directive and forest related works.

#### 7.4 Selection of the Forest Users' Committee Executive Members:

One should be a resident of the area to be a Member of the Users' Executive Committee; also representation of women and people from low and marginalized group is made necessary.

#### 7.5 Vacancy of the Executive Committee Member's position:

Any post of the Committee Member is considered to be vacant in case of the death, out

migration, physically unfit or mentally disturbed of the person or a written resignation from the person.

7.6 Under the following circumstances, any Executive Committee Member could be expelled or removed from the post by the majority of the Users' Group in general meeting if the person shows partiality behaviour (favouritism, nepotism) to ones own relatives or absent in the meeting for three consecutive times without any information or conduct and let others conduct any action in against the Operation Plan.

### **Part - 3**

#### 8. Management

Due to degraded condition of this forest, following activities will be applied to improve the condition with various activities such as removal and cutting of dead, dying, diseased trees along with those slow growing and not preferred by Users.

##### 8.1 Afforestation

If necessary, plantation in this forest area will be conducted to make the condition better.

##### 8.2 Re-afforestation

Re-afforestation will be carried out if the seedlings planted were found dead.

##### 8.3 Weeding

Weeding of leaves, shrubs will be carried out in the afforested area until 3 years.

##### 8.4 Plantation in the bare areas

Plantation of seedlings will be done if any areas are found bare naturally.

##### 8.5 Grazing

No grazing is allowed in the afforested as well as demarcated area.

##### 8.6 Arrangement of Forest Watchman

The Users' Committee will arrange guard or watchman for the conservation of forest by assigning 1/1 person from the Users' Group in turn. The person will be punished with fine, the amount of money equivalent to one day's labour charge of a person and equivalent of the damage (if any) in the forest if the person does not watch in his turn.

##### 8.7 Tree Improvement Program

Following points will be taken care for the tree improvement program

- 1) Remove the fallen, dried or dying and diseased trees
- 2) Remove the climbers hosting in the trees
- 3) Remove the shrubs covering the tree or tree seedlings
- 4) Remove unnecessary trees/plants
- 5) Arrange regeneration in the natural bare areas

##### 8.8 Shrub Management Program

Following activities will be carried out to improve the condition of the forest because the condition now is degraded

- 1) Remove the slow growing plants
- 2) Pruning the much branched trees
- 3) Remove some plants if dense
- 4) Priority is given to the tree species preferred by the villagers and fodder trees
- 5) Conduct singling, pinning, pruning activities

##### 8.9 Thinning

Thinning activity is carried out according to the suggestions from technicians if realized the need.

##### 8.10 Pruning

The main plant will not be able to grow in good condition if there are many branches, so arrangement should be done for better growth of such plants by removing or cutting one third of the branches or even one fourth in case of the fast growing tree species.

#### 8.11 Singling of the Plants

More than one coppice can not be grown in good condition from the same place of the tree stem if the main stem is cut or broken, so only one of the better quality will be kept for growing and remove the other weak branches (coppices).

#### 8.12 Operation of Seedling Nursery

Being a site for afforestation, plantation will be carried by obtaining seedlings developed from the nursery existed at Ahaldanda. If seedlings were not available from that nursery, the Users' Group will decide to operate a nursery by requesting the District Forest Office.

#### 8.13 Division of Plots and Description of Work

The entire forest area will be divided into 5 plots and operate weeding (remove shrubs/bush) at one plot in turn. Weeding of the first plot will be done in the 6th year after the afforestation or conservation.

#### 8.14 Conservation of Fragile Area

During the extraction of fuelwood, areas prone to landslides or river cutting or used to have river cutting will not be used for extraction of fuelwood and plants. Places like these will be planted with fast growing plant species, bamboo, etc.

#### 8.15 Protection of Wildlife

Naturally important resources, wildlife and birds present in this forest will be protected.

#### 8.16 Prizes, Awards

The Forest Users' Committee will provide Prizes, Awards of up to Fifty percent of the ceased material to those who inform about the damage and catch the offender and submit the timber wood, fuelwood to the Committee. Prized Awards will also be provided to those who did remarkable work for the forest conservation.

#### 8.17 Income and Financial Management and Related Records

The Panighat Forest Users' Group manages an account. A joint account of the President and the Treasurer of the Users' Committee will be operated from the Nepal Bank Ltd. Branch at Sankhu. The funds accumulated in the account will be utilized in the following works (25 percent of the fund will be deposited in the account of Narayanban Forest Users' Committee)

- 1) Afforestation
- 2) Canal
- 3) Temple
- 4) Water spring
- 5) School
- 6) Resting place (pati)
- 7) Resting shelter (pauwa), and in other Community activities

#### 8.18 Management of Finance will be as follows

- 1) Fund collected from the annual fee of the Users
- 2) Annual fee paid by the User Members
- 3) Fund raised from the punishment and offence
- 4) Donations, grants and income from sales of forest products
- 5) Income from auction and income from any other sources will be the property of this account.

### **Part - 4**

#### 9. Forest resources trimming and sales, distribution along with punishment and offence related

##### 9.1 Ground cover grass

The ground grass cover from this forest can be cut from Asadh to Bhadra (Jun/Jul to Aug/Sep) of every year. But it is prohibited at the place of afforestation will two years from

plantation. If one is seen cutting grass in such area, he/she can be fined Rs.50 per back load or bhari. The Users' Committee can allow to cut grass if cutting is required by raising fee of Rs. 5 per load of grass besides the above mentioned months according to the condition of grass growth.

#### 9.2 Extraction of poles, wood strips

Extraction of poles, wood strips are prohibited due to the degraded condition of this forest. If somebody does such act he/she will be fined Rs.50 per bundle according to the type of wood and Rs.100 per bundle for second time and Rs.200 per bundle if found many times and cease the material any time.

#### 9.3 Branches and leaf fodder

Collection of branches and leaf fodder is banned from this forest but if the trees are good enough for cutting branches and leaf fodder, it can be done up to two third of the branches only with the decision of the Committee.

Punishment and fines: Rs.50 per bhari will be fined for the first time, Rs.100 per bhari for second time and Rs.500 per bhari if many times of collecting branches, leaf fodder when not opened.

#### 9.4 Dried wood

The Users are allowed to collect the dead, dried wood two times a year only in the months of Bhadra (Aug/Sep) and Paush (Dec/Jan). One should not employ labourers for collection. If one does not obey this rule and steals wood or let steal, will be fined Rs.5 per bhari for the first time, Rs.20 for second time and Rs.50 for the third time. If the wood could not be confiscated at the time, the person will be fined according to the above rule.

#### 9.5 Leaf litter, shrubs and dry twigs

Collection of dry leaf litter, shrubs, twigs and fuelwood is allowed but if people enter the forest with axe, knife and cut live branches, wood in the pretext of collecting dry ones and damages forest resources, such person will be punished with fine as according to rule 8.3.

#### 9.6 Weeding and cutting of green/live fuelwood

Weeding shall be conducted as mentioned above according to the technical information for the improvement of forest by removing shrubs, thinning, pruning, singling, etc. During weeding and cutting fuelwood, the diseased old and drying climbers hosted in the trees were selected. Removal and cutting will be done according to the suggestions of technician. The leaf litter, fuelwood, wood thus collected will be divided among the users equally. One cannot enter the forest by himself/herself and do the weeding, collect dry fuelwood, wood etc. The Committee has set the charge of Rs.10 per bhari fuelwood. Teams will be formed before the opening of the forest for the weeding activity and one should carry out the work as directed by the team leader. The forest resources, litter, wood, fuelwood and branches thus collected will be divided by measurement and provide by lottery system.

The Users shall be provided forest resources without charge during the mentioned period of opening of forest. But one can be fined as punishment if anybody disobeys the rule and cut wood without the permission. If one enters the forest during closed period with example of history and collect fuelwood such person will be fined Rs.100 per bhari for the first time, Rs.200 for second time and Rs.300 beyond second time with seizure of the material collected. If the collected wood material could not be confiscated at the time, the users group can decide the additional fine for such case. A person can be expelled from the Users' Group if he/she act such activity frequently.

#### 9.7 Wood for making plough materials like Halo, Juwa, Harish, Ano, etc.

Wood for making the plough materials and other agricultural implements cannot be made

available from this forest due to unavailability of plenty of such resources. One can be fined Rs. 500 to Rs.1,000 respectively if disobeys the rule and cut wood for such materials. A single or whole tree has to be cut or stolen for making such agricultural implements so the fine will be somewhat equivalent to the cost of whole tree.

#### 9.8 Charcoal and Calcium Sand Production

Making Charcoal and Calcium sand are completely banned within this forest area. Punishment as according to the work plan to those who disobeys the rule and cut tree for making charcoal and fine Rs.100 to Rs.200 for burning Calcium Sand.

#### 9.9 Tree for Construction Work

Timber wood for the construction of new house and daily-required wood will not be available due to the degraded condition of this forest till 5 years. The Users' Committee will re-decide on making the wood available to individuals after 5 years. The Committee can provide wood at a discounted rate to those who had become a victim of natural disaster, flood or fire only after the proper field survey and found necessary but it is not compulsory for the committee to provide wood. The rate of wood will be as per the Government price

Rs.40 per cu.ft. for Pine wood (in round)

Rs.40 per cu.ft. for Schima (in round)

#### 9.10 Wood, Fuelwood for Natural Disaster Victim

As mentioned above, the victim of natural disaster will be provided big round wood from 100 to 150 cu.ft.

#### 9.11 In case of Funeral Rites

To discourage haphazard cutting of wood for burning/cremation of dead body, the Users' Group decide to provide up to 15 bhari of wood for the bereaved family.

#### 9.12 Hunting

As mentioned in the Management Contract, any wildlife, birds resided in this forest or driven from outside are considered property of this forest, so hunting is prohibited. One will be fined accordingly in case of offence. Rs.100 for the first time, Rs.200 for second time and Rs.500 beyond for hunting Kalij, wild chicken, rabbit with confiscation of the hunt. Rs.1,000 for deer, wild goat and submit the equipment used for hunting to the concerned agency. The person will be taken to the concerned agency with the proof of killing any wild animals, birds other than man-eating tiger. The Committee can make changes in the rules regarding hunting after 3 years.

#### 9.13 Encroachment of Forest

If some encroach forest area and make farm by cutting plants or trees or encourage other for such activity can be fined up to Rs.500 and let him leave the area. The offender will be asked to plant seedlings at the area if he had damaged any trees.

#### 9.14 Extraction of Stone and Soil

The Users' Group members can dig out and take soil, stone for their own household use only from the mentioned area where such act will not affect forest environment and soil erosion. But people from outside the Users Group are not provided with this facility. The Users cannot give such materials to others besides their own use. If one performs against this rule will be fined Rs. 25 per bhari.

#### 9.15 Fire

The Committee can fine Rs.100 to Rs.4,000 to the offender with clarification of the fire event and let the offender plant new seedlings at the place. If it was proved that the person did the act intentionally for hunting wildlife or for farming, such person will be submitted to the concerned agency for necessary action.

#### 9.16 Wood, Fuelwood for Community Construction Works

The Committee can provide fuelwood, wood without charge for the community activity like the construction of school building, resting places, canal, temple, etc., but it is not compulsory for the Committee to provide such materials to the community within or outside the Users Group. They provide only if there are resources available.

#### 9.17 Grazing

Grazing within the afforested and demarcated area is not allowed. The owner will be fined Rs.25 per animal (goat, lamb, sheep) for the first time, Rs.50 for second time and Rs.100 for third time if any animal enters the prohibited area. The fine will be Rs.100, Rs.200 and Rs.300 for first, second and third time respectively for grazing cow or buffalo.

#### 9.18 Auction

The Users' Committee will auction the wood available by any source within the Users' Group members first and if the members do not find them necessary will be opened to public by publishing an official notice and allocate to the highest bidder.

#### 9.19 Leaves of Hinguwa (Camellia) tea or Nundhiki (Osyris)

Without the permission of the Committee any leaves of Hinguwa (Camellia kissi) tea or Nundhiki (Osyris wightiana) cannot be collected and sold. Rs.5 per kg (fresh weight) will be fined if found some collect such things.

#### 9.20 Other Herbs

Nobody can collect any herbs from this forest without permission. The fine will be 10 times more to the official cost per kg fresh weight of such collected materials.

Miscellaneous-1: The Users' Committee will write to the concerned agency if some changes are required to go along with the changed time and condition after the decision made by the Users' Group.

Miscellaneous-2: If it was found that somebody had encroached a part of the forestland and was proved, then the encroached land will be included in the community forest area and manage according to the same constitution.

### ANNEX - 7

#### Activities of District Forest Office, Makwanpur

Description	Units	Work distribution	Responsibility
1. User Group formation	10	Gogane-1, Palung-2, Markhu-1, Bhainse-2, Handikhola-1, Raigaun-2, Phapharbari-1	Ranger
2. Preparation of Work Plan and Handing over	10	"	"
3. User Group Supervision & Montitoring	21	Concerned Rangeptsot & Ilaka office	
4. Review of the work plan	11	"	
5. User Group management training for user members	8	Gogane, Bhaise, Palung, Markhu, Hetauda, Manahari, Gadhi, Harnamadi	
6. Institutional development Training	4	Palung, Manahari	
7. Networking meeting	6	Manahari-1, Phapharbari-1 Palung-2, DFO-2.	
8. Second "	1	DFO	

9. Women users workshop	5	leach at Palung, Brindaban, Manahari, Gadhi, Chhatiwan
10. Awareness development for women, user group	4	1 each at Buddhichaur, Raksirang, Phapharbari, Raigaun
11. Orientation for the leaders, VDC Chairpersons	3	Manahari, Phapharbari, Palung
12. Workshop on team building	1	at District Office
13. Inter-group exchange	1	Handikhola
14. Exchange related to medicinal herbs	2	Palung & DFO
15. Evaluation of User groups & Awards	1	DFO