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ADMINISTRATIVE AND POLICY BOTTLENECKS IN EFFECTIVE MANAGEMENT OF VAN PANCHAYATS IN UTTARAKHAND, INDIA

B.S. Negi, D.S. Chauhan and N.P. Todaria

COMMENT



VOLUME
8/1

LEAD Journal (Law, Environment and Development Journal)
is a peer-reviewed academic publication based in New Delhi and London and jointly managed by the
School of Law, School of Oriental and African Studies (SOAS) - University of London
and the International Environmental Law Research Centre (IELRC).

LEAD is published at www.lead-journal.org

ISSN 1746-5893

*The Managing Editor, LEAD Journal, c/o International Environmental Law Research Centre (IELRC), International Environment
House II, 1F, 7 Chemin de Balexert, 1219 Châtelaine-Geneva, Switzerland, Tel/fax: + 41 (0)22 79 72 623, info@lead-journal.org*

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This document can be cited as
B.S. Negi, D.S. Chauhan and N.P. Todaria, 'Administrative and Policy
Bottlenecks in Effective Management of Van Panchayats in Uttarakhand, India',
8/1 *Law, Environment and Development Journal* (2012), p. 141,
available at <http://www.lead-journal.org/content/12141.pdf>

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1

INTRODUCTION

The central Himalayas of India are famous for natural resource based agitations and their indigenous traditional forest management system is one of the oldest. The State of Uttarakhand (formerly Uttaranchal) occupies a special place in participatory management of common natural forest resources because of its Van Panchayat system. The Van Panchayat system was born out of conflicts and compromises that followed the settlement and reservation of forests in the hills at the turn of the 19th century.

The history of Van Panchayats in the central Himalayas dates back to the beginning of British colonial rule in the early 1800s. After the defeat of the Gurkhas in 1815, British occupation of central Himalayas was complete. The British rulers progressively curtailed the area of forests under the control of local communities.¹ At the same time, they also enacted elaborate rules specifying strict restrictions on the logging of fodder trees and grazing rights, prohibited agricultural extension, sought to regulate the use of fire that villagers believed led to higher grass production, and strengthened the number of official forest guards.² These rules sowed the seeds of discontent among local people.

The curbs on the rights of local people to use forest products resulted in opposition to the government in the hills of Kumaun and Garhwal. These social protests culminated in the summer of 1921, when a wide-ranging campaign to burn forests controlled by the government virtually paralyzed the administration in these hills. This forced the government to appoint the Kumaun Forest Grievance Committee to look into the demands of

the local population. More than 30 recommendations were made by the committee.³

On the basis of these recommendations, the State Government passed the Forest Panchayat Act (Forest Councils Act) of 1931. This Act empowered villagers to form relatively autonomous (at local level) management committees for hill forests. This devolution of powers to control and manage forest for subsistence purpose is the earliest example of co-management of natural resources by the state and local communities in India.

Since then, Van Panchayats or Forest Panchayats have been incorporated under Section 28(2) of the Indian Forest Act, 1927. Their objectives are to protect and develop forests and distribute their produce among stakeholders in an equitable manner. About 12,064 Van Panchayats have been established in Uttarakhand. These Van Panchayats manage a forest area of about 5,23289 hectares forming about 14 percent of the total area of the state⁴ in eleven hill districts (administrative units) in the State of Uttarakhand: Chamoli, Pauri, Tehri, Uttarkashi, Dehradun, Rudraprayag, Nainital, Almora, Pithoragarh, Champawat and Bageshwar. Most of the Panchayat forests provide the villagers with important subsistence benefits such as fodder, leaves for animals bedding, grazing space for their animals, fuelwood, and timber for house construction and agricultural implements.

As per the Van Panchayat Rules, villagers themselves make the rules for day-to-day management. These rules relate to monitoring, dispute resolution mechanisms, selection of guards for enforcement of rules, fines for rule breakers, management of finances, equitable distribution of usufructs, and use of surplus earnings for the community. However, the Van Panchayat Rules, while making Van

1 Ramachandra Guha, *The Unquiet Woods: Ecological and Peasant Resistance in the Himalayas* (New Delhi: Oxford University Press, 1991).

2 G.B. Pant, *The Forest Problem of Kumaun* (Nainital: Gyanodaya Prakashan, 1992).

3 Arun Agarwal, 'Group Size and Successful Collective Action: A Case Study of Forest Management Institutions in the Indian Himalayas', in Clark Gibson, Margaret A. McKean and Elinor Ostrom eds, *Forest Resources and Institutions, Forest Trees and People Programme - Forestry Department, Working Paper No. 3* (Rome: Food and Agricultural Organisation, 1996).

4 Forest Department Uttarakhand, Uttarakhand Forest Statistics 2010 - 11 (2011).

Panchayats responsible for proper management of the forests, deny them the necessary authority and financial autonomy, which is vested with revenue and forest officials. The Forest Department is responsible for providing technical help to the villagers and it must be consulted before harvesting forest produce such as resin and timber. The officials of the Revenue Department are consulted for the enforcement of rules and sanctions if recalcitrant villagers refuse to follow local directives.

However, there has been continuous decline in the authority of Van Panchayats since their inception in 1931. A number of forest officials have been assigned the task of looking after the affairs of Van Panchayats under the Van Panchayat regulation 2005, thus reducing the power of elected committees of Van Panchayats and handing control of management of Panchayat forests to the Forest Department. Similarly, the Divisional Forest Officer (DFO), who sits far away from the real situation, has been given the responsibility of formulating the management plan where the Panchayat forest exists. As a result, Van Panchayat does not play any role in the management plan. As per the Van Panchayat regulation 2005, the DFO must approve every rule made by the Van Panchayat committee.

During the last 80 years, there have been three major changes in Van Panchayat rules - in 1976, 2001 and 2005 - which have changed the original concept of formation of Van Panchayats. It has therefore become imperative to compare the successive rules. This study attempts to review the policy implication of decline in the authority of Van Panchayats in light of the successive Van Panchayat rules made during 80 years of their existence.

2

MATERIALS AND METHODS

The study is based on the secondary data. The authors have compared and analyzed the rules framed since 1931 to govern Van Panchayats in the State of Uttarakhand.

3

RESULTS AND DISCUSSION

3.1 Institution of Van Panchayat

Van Panchayat is a valuable people-centric concept in Uttarakhand for the management and protection of the forest. Through their personal experiences and cultural background, local people have a deep understanding of economic and ecological issues associated with the forest.⁵ Earlier two types of Van Panchayats existed: (i) carved out of reserve forests and governed by the Indian Forest Act, 1927 and (ii) carved out of civil *soyam* land and governed by the District Schedule Act, 1931. However, the 'Van Panchayat regulation 2005' have consolidated these two types of Van Panchayats into "Gram-Van" (village forest). This is seen as a consolidation of the Forest Department's authority over all types of forests in Uttarakhand.

3.2 Policy Bottlenecks

Coexistence of Panchayat forest managed by the community, Civil and Soyam forests governed by the Revenue Department, and Reserve and Protected forests governed by Forest Department is not yielding much. Additive effects from different administrative systems are rarely observed in the government sector. It is an undeniable fact that difficult terrains and poor infrastructure of the mountains hinder effective working and because of this everybody is skipping placement/postings in the interiors of Uttarakhand. Problems related to local institutions like Van Panchayat in respect of carrying

5 See Agarwal, note 3 above, V. Ballabh and K. Singh, 'Managing forests through people's institutions: A case study of Van Panchayats in Uttar Pradesh hills' 43(3) *Indian Journal of Agriculture Economics* 296-304 (1988), Arun Agarwal, 'How do local Institutions mediate market and population pressure on resources and Forest Panchayat in Kumaon, India?' 10 *Development & Change* 46 (1997) and D.S. Chauhan, B.S. Negi and N.P. Todaria, 'Status of Forest Panchayats in Chamoli district of Garhwal Himalayas' 9 *Journal of World Forest Resource Management* 147-165 (2002).

forward the stated objectives are in no way different from government institutions. The irony is that local institutions dealing with the forests (that is, Forest or Van Panchayat) are given a secondary status to the one dealing with development (that is, Gram Sabha or village council) and therefore, forest-related institutions are generally run by individuals not as powerful as those representing the Gram Sabha. Deferring difficult decisions or delaying decisions because of local conflicts and vested interests is therefore common in case of forest related institutions.

Thus, from no government officer in the 1931 rules, one special officer in the 1976 rules and five forest officials in 2001, innumerable forest officials in the 2005 rules have been assigned duties to look after the Van Panchayat (Table 1). Thus, Van Panchayats - the village level institutions - have come fully under the control of government bodies.⁶ Democracy demands a change in the policy so as to infuse a sense of ownership of the forest coupled with management for local as well as national needs. It would be better if government agencies act as the facilitator rather than the scrutinizers of people's institutions. Existing policy provisions and actions indicate incompetence of the local communities, which is neither desirable nor correct. The need is to consider people as stakeholders and not beneficiaries.

The Van Panchayat Rules, 1931 did not mention who shall be responsible for formulating working plans for Panchayat forests. The 1976 rules vested this responsibility in Van Panchayats but it was completely changed in the 2001 and 2005 rules, which vested this responsibility in the Forest Department. Van Panchayats ought to be helped in formulating the plans instead of plans being forwarded to the authorities for scrutiny and approval. There is an overall need to create a sense of belonging in Van Panchayats.

The civil administrative officer (Sub-Divisional Magistrate or SDM) has been given the power to remove a member of the Van Panchayat. This is a bureaucratic approach; the Van Panchayat should

be empowered to decide the matter in a democratic manner. In order to strengthen the democratic systems at the grass root level, the whole village community needs to be empowered to take decisions, and the Van Panchayat committee to execute the decisions. At present the Van Panchayat is accountable to government authorities and not to the people. Accountability to those far away from the village and difficult to approach often results in decisions not being taken at all, which leads to sub-standard performance of the elected members (see Table 1).

Since the nature and extent of offences is uncertain, it seems unreasonable to place a monetary limit of punishment in the powers of the Van Panchayat. Further the powers of the Van Panchayat to fine an offender are negligible and this often leads to repeated offences of the same nature. The power of Van Panchayats to punish offenders from outside the concerned villages is not clear. A check by the Technical Department (Forest Department) is required but such checks should be exercised in the village itself so that the gap between the people and government agencies is narrowed down. It is also possible for the DFO/Assistant Conservator of Forests (ACF)/SDM to sit at the block level twice/thrice in a year and call Van Panchayat office bearers there to resolve their problems. This is one of the solutions keeping in view the problems of these officers in mind and the fact that it is not possible for them to visit each Van Panchayat even once in a year. Democracy demands redressal without much hassle.

The 1931 rules granted freedom to Van Panchayats to frame rules with respect to equitable distribution of usufructs. The subsequent amendments have made it mandatory to get such rules approved by the Commissioner and the DFO.

The policies and administrative changes, especially after independence, have weakened the ability of Van Panchayats to manage forests for the benefit of people. Land settlement during the 1960s redrew the village boundaries to separate reserve forests. This led to a drastic reduction in the Van Panchayat area. The revision of the 1931 rules in 1976, 2001 and 2005 drastically curtailed the autonomy, authority and

⁶ *Ibid.* See also Agarwal, note 3 above.

entitlements of Van Panchayats. For example, the entitlement of Van Panchayats to income from forests has been reduced to 40 percent. Even this can be used only after obtaining permission from the District Magistrate (DM)/DFO who usually sits far away from the villages. Moreover, now Van Panchayats have to contribute 20 percent of the microplan cost of Joint Forest Management (JFM) projects.

Simultaneously, excessive powers and responsibilities have been concentrated in the Sarpanch. This has not only weakened the strong tradition of collective decision-making but also reduced transparency and accountability of Van Panchayats. Excessive responsibilities thrust on the Sarpanch as an individual have also become a major disincentive for taking up the leadership of a Van Panchayat.

Reduced bureaucratic support and accountability has resulted in a large number of unattended boundary and penalty disputes and unauthorized occupation in the absence of effective and accessible dispute resolution mechanisms. The problem of inter-village inequity in the availability of village forest areas remains unresolved. Van Panchayats hardly have any autonomous function or power. As per the Van Panchayat Rules, 2005, they are dependent on the Forest Department or District Administration for day-to-day decision-making from their inception. Furthermore, forests and forest management now fall under the jurisdiction of both the Gram Panchayat and the Van Panchayat.⁷ Though, at present no conflicts are recorded, over time the situation is likely to lead to conflicts of interest and jurisdiction. Van Panchayat and Gram Panchayat both are local institutions. While people actively participate in the proceedings of the Gram Panchayat, only a few have any direct involvement in the proceedings of the Van Panchayat. It has also been observed that the Sarpanch and Panches of Van Panchayats are sometime selected by the Gram Sabha, and no elections are held for many years whereas as per the rules, election need to be held every five years.

Structural reforms of the management staffs involved in controlling the resources should strengthen and institutionalize the concept of Van Panchayats but recent initiatives by the government appear to be aimed more at bureaucratization while overlooking the problems of the forests and the people living near them. Moreover, the move to strengthen Panchayati Raj Institutions is likely to create new problems (conflicts) in the hills rather than solving existing problems due to the co-existence of multiplicity of institutions.

The Uttarakhand Panchayati Forest Rules, 2001 have further weakened Van Panchayats and strengthened the administrative control of the District Administration and the Forest Department. The powers given to Van Panchayats in these Rules are superficial as they are required to take approval of either the District Administration or the Forest Department for their functioning. Some of the shortcomings are listed below.

1. The Ranger/Deputy forest Ranger or the Forester is the Secretary of the Van Panchayat and any right holder of the Panchayati forest selected by the Van Panchayat is the Additional Secretary of the Van Panchayat.
2. The Van Panchayat is required to prepare a microplan for a period of five years for the development and management of the forest. The prepared microplan has to be approved by the right-holders and sanctioned by the Panchayat Van Vikas Adhikari (DFO). Once the microplan is sanctioned, the Van Panchayat is required to prepare the Annual Implementation Plan, which has to be approved by the Sahayak Panchayat Vikas Adhikari (Forest Ranger). So, the Van Panchayat performs a subordinate role.
3. Generally, the formulation of the microplan is not a participatory process and in practice few villagers are involved in its preparation. Majority of the villagers are not consulted about the developmental activities to be undertaken under the microplan. The Forest Department also demands 20 percent of the microplan cost from the local community.

⁷ Madhu Sarin, Disempowerment in the name of 'participatory' forestry? - Village forests joint management in Uttarakhand, *Forests, Trees and People* Newsletter No. 44, April 2001, pp. 26-35.

4. The Van Panchayat can only use those trees, which have been marked based on rotation age for felling by the official nominated by the DFO.
5. The Van Panchayat has to abide by the directions and execute the DFO's orders regarding conservation and improvement of forests.
6. The Van Panchayat has to take prior approval of the DFO to make local sale of the forest produce.
7. The State Government has created Area Advisory Committee, District Advisory Committee and State level Advisory Committee to assist Van Panchayats in their developmental activities. All the members of these committees are nominated by the Forest Department, which reflects administrative control over Van Panchayats.
8. The 73rd Constitutional amendment requires decentralization of power to Gram Panchayats, but the government has reduced the power of Van Panchayats through the revised rules, which have restricted their participation in the control and use of resources. There is no mechanism to hold government functionaries accountable for the non-performance of Van Panchayats.

Forest related problems are diverse, complex and far reaching. Neither the Government machinery nor the people can deal with these problems independently. Linking forest management objectives with the social set-up and the needs of the hill population would further improve the confidence of the hill people and the task would become easier and cost effective. The hill people have enjoyed user rights until the early phase of British rule in central Himalayas. Even at present, most of the forest area in north-eastern Himalayas is owned by the community and not by the State Governments. Formal recognition of traditional rights of people could bring spontaneous constructive response from the masses as this would send a signal of belongingness and responsibility. Simultaneously the State must strengthen its

administrative network to observe strictly that traditional rights are used for traditional subsistence goals and not abused to fulfill the aspirations for economic prosperity by way of unsustainable harvests. Policy change may also reduce migration, which is very high in the Uttarakhand hills. Forest based livelihood may increase forest cover in these hills. What was earlier true participatory form of management has transformed into 'informing participation' where the local people are simply told what has been decided and unilateral announcements are made by external agents such as the administration (the State) and the information flows to the local people with neither a channel for feedback nor power for negotiation.⁸

Instead, these institutions need strengthening in terms of technical and financial powers and democratic character. Making their structure too rigid shall reduce them to another layer of bureaucracy. A sense of belonging guides the people to protect the forests; when this is taken away, people resort to destruction of forests.

The birth of Van Panchayats in Uttarakhand took place under this notion. Therefore, ownership of people has to be respected in order to get any meaningful results.⁹ However, Agarwal and Ostrom have reported that formal and informal institutions in common pool resources management in Kumaon are either eroding completely or facing challenges over the past two decades.¹⁰

As against this, policy changes are needed in those parameters, which make these institutions strong. Nine parameters have been used by Todaria et al

8 M. Inoue, 'Conclusion: Sustainable Forest Management through Local Participation - Procedures and Priority Perspectives', in M. Inoue and H. Isozaki eds, *People and Forests - Policy and Local Reality in South-East Asia, the Russian Far East, and Japan* (Dordrecht/Boston/London: Kluwer Academic Publishers, 2003), pp. 337-356.

9 See Agarwal 1997, note 5 above.

10 Arun Agarwal and Elinor Ostrom, 'Collective Action, Property Rights, and Decentralization in Resource Use in India and Nepal' 29 *Politics and Society* 485-514 (2001). See also Kulbhushan Balooni, Viswa Ballabh and Makoto Inou, 'Declining Instituted Collective Management Practices and Forest Quality in the Central Himalayas' 42(16) *Economic and Political Weekly* 1443-1452 (21-27 April 2007).

(personal communication) to evaluate the sustainability of these village level institutions. Interestingly not a single parameter has been addressed by the successive rule/regulation changes made in Van Panchayats. These rules do not specify minimum number of meetings to be held every year, resulting in reduced number of meetings in each Van Panchayat. General body meetings are seldom called as these are not considered mandatory. There is no one accountable if meetings are not called. Encroachment is becoming a chronic problem in these institutions. Although rules have been framed, there is no redressal mechanism in place and court cases have been pending for years.

This discourages people from coming forward to file court cases. Quick disposal of cases and imposition of heavy penalty can instill fear among encroachers/rule violators. A new rule/mechanism is urgently needed in this regard. Another aspect in need of attention is irregularity in elections. According to the rules, election is mandatory every five years but there are many Van Panchayats where elections have not been held for several years. Rules are silent on this issue. Election is a legal process and should be the responsibility of forest/revenue officials. A mechanism is needed so that elections are held on time. No one has been made accountable if elections are not held on time.

Presently plantation/afforestation has no place in the rules. It is generally done by the Forest Department with passive participation of concerned villagers. Rules need to be incorporated in the existing system so that every year each Van Panchayat carries out some plantation/afforestation work depending upon available land. Thus renewability of natural resources is maintained. Many Van Panchayats have resources for sale of NTFP seeds/fruits medicinal plants, ecotourism etc. which are presently either used scarcely or sales are unorganized. If some mechanism is put in place in the rules, these resources can be used for the benefit of the villagers and can increase the income of Van Panchayats by introducing some type of levy on collection and sale. The evolving mechanism of REDD plus needs to be incorporated into rules and regulations so that stakeholders also get direct monetary benefits from conservation of forest resources.

To sum up, the necessary conditions for effective community control are:¹¹

- (i) Independence in planning and managing forest resources with least interference from revenue as well as forest officials.
- (ii) Adequate provision to penalize violators of the local management provisions.
- (iii) Quick disposal of court cases whenever they are filed.
- (iv) Adequate provisions for flow of funds and management of funds raised through sale of forest produce and for developing forest resources as first priority followed by other development activities.
- (v) Effective monitoring of forest use so that stakeholders know that rules are adhered to, and they are not going to lose any part of their share of benefit.

ACKNOWLEDGEMENTS

Financial assistance to NPT from GB Pant Institute of Himalayan Environment & Development is greatly acknowledged. The authors would like to thank the Forest Department and Van Panchayat staff in Pauri, Chamoli and Rudraprayag districts for providing information.

¹¹ See E. Somanathan, Deforestation, Property Rights and Incentives in Central Himalaya, 26(4) *Economic and Political Weekly* 37-39 and 41-46 (26 January 1991).

Table1. Comparison of the major provisions of the Van Panchayat Rules of 1931, 1976, 2001 and 2005

Parameter	Van Panchayat Rules, 1931	Van Panchayat Rules, 1976	Van Panchayat Rules, 2001	Van Panchayat Rules, 2005	Remarks/suggestions
Extent	Application to whole Kumaun commissinary as a regional administrative unit comprising many districts and controlled by senior administrative officer (Rule 13)	Nainital, Almora, Pithoragarh, Garhwal, Chamoli, Uttarkashi and Tehri districts and Chakrata tehsil in Dehradun district and any other area as notified by the State Government from time to time (Rule 1 (2)).	Almora, Bageshwar, Champawat, Pithoragarh, Chamoli, Rudraprayag, Uttarkashi, Tehri and Pauri Garhwal districts and Nainital tehsil in Nainital district and hilly regions and Chakrata tehsil in Dehradun district and any other area as notified by the State Government from time to time (Rule 1 (II)).	Rule 1 (b)	The increase in application and extent of the rules is a good sign.
Appointment of Special Officer	The State Government may, for the management and supervision of Van Panchayat (VP), appoint special officer in VP who will function under the control of Commissioner, but under these Rules he will exercise the powers of Deputy Commissioner. (Rule 20).	The State Government may, for the management and supervision of Van Panchayat (VP), appoint special officer in VP who will function under the control of Commissioner, but under these Rules he will exercise the powers of Deputy Commissioner. (Rule 4).	A Divisional Forest Officer (DFO), an Assistant Conservator of Forests (ACF), a Forest Ranger, a Deputy Forest Ranger and a Forester specially deputed by the State Government (Rule 2 (j))	Commissioner, District Magistrate (DM), Sub Divisional Magistrate (SDM), Patwari, Conservator of Forest, DFO, ACF, Forest Range Officer, Sarpanch and Forest Panchayat Management committee have been made responsible for management of Panchayat forests. Regional coordinator and district coordinator have been created to manage VP at regional and district level (Rule 2).	This shows the total control of Forest Department over VPs and the introduction of a complex, multiple hierarchical system.
Application for constitution of Panchayati Van	Two or more right holder or artisans who were residing in the area for more than 12 years could apply for formation of a VP. No area will be declared as Panchayati Van if one-third or more	Minimum of one-fifth adult residents of the village who must have resided in the village for the past 10 years prior to the date of application, or if a resolution is passed by the Area Panchayat, can apply to the	Minimum of one-fifth adult residents of the village who must have resided in the village for the past 10 years prior to the date of application, or if a resolution is passed by the Area Panchayat, can apply to the DM. No area will be declared as Panchayati Van if one-third or more of the residents object to the proposal. Application should include the location of the	Minimum of one-fifth adult residents of the village or a resolution passed by the area Panchayat, can apply to SDM. No area shall be declared as Panchayat forest if Gram Sabha or half or more than half residents of the village object to the proposal. Application should include the location of the area and its boundaries (Rule 3).	Relaxation in the minimum number of applicants for constitution of VP is a positive step. The process of constitution of VP should be decided

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	of the residents objects to the proposal. Application should include the location of the area and its boundaries (Rule 3).	DM. No area will be declared as Panchayati Van if one-third or more of the residents object to the proposal. Application should include the location of the area and its boundaries. (Rule 5).	area and its boundaries. (Rule 3)		at DM level and file must not go upto the Commissioner.
Constitution of VP	The Deputy Commissioner shall send notice to head of the concerned village and others in the vicinity who might have right or concession on the said forest and shall dispose of all objections as per Govt. rules. Deputy Commissioner shall call a meeting at a convenient place of all those people who will benefit from the proposed forest and should call upon them to select panch whose number shall vary from 3 to 9. These elected members (Panch) will elect a sarpanch (chief) amongst themselves. VP shall hold office for 3 years (Rule 4).	The Deputy Commissioner shall call upon the residents, who are above the age of 21 years, at a convenient place and time to constitute a VP. The people will elect 5 to 9 members from amongst themselves. The elected members will elect a Sarpanch from amongst themselves who will be responsible for the proper management of the forest. Any person who is a government servant or official of any local body or any person who has dues to pay to VP or any person who is proved guilty of moral turpitude, is debarred from becoming a member or Sarpanch. A Sarpanch cannot be elected as Sarpanch for three consecutive terms (Rule 9).	The SDM shall call upon the residents of the village at a convenient place and time to constitute a VP. Notice will also be issued to the patwari and the pradhan of the village. There will be upto 9 members in a VP. 4 seats are reserved for women of which one is for SC/ST. Of the remaining 5 seats one seat is reserved for a male belonging to SC/ST category. If there is no SC/ST in the village then the seats will be treated as unreserved. Elected members will elect a Sarpanch from amongst themselves. Any person who is a government servant or official of any local body or official of VP or any person who has dues to pay to VP or any person who is proved guilty of moral turpitude, is debarred from becoming a member or Sarpanch. A Sarpanch cannot be elected as Sarpanch for two consecutive terms. If the seat for SCs/STs or women is left vacant, then the VP can get the seats filled from amongst the persons belonging to that category residing in the village (Rule 7).	After the disposal of all the objections in connection with formulation of a new VP, SDM shall call upon the residents of the village at a convenient place and time to constitute a VP. Notice will also be issued to the patwari and pradhan of the village. There will be upto 9 members. 4 seats are reserved for women of which one is for SC/ST. Of the remaining 5 seats one seat is reserved for a male belonging to SC/ST category. If there is no SC/ST in the village then the unreserved. Elected members will elect a Sarpanch from amongst themselves. Any person who is a government servant or official of any local body or official of VP or any person who has dues to pay to VP or any person who is proved guilty of moral turpitude, is debarred from becoming a member or Sarpanch. A sarpanch cannot be elected as Sarpanch for more than two consecutive terms.	Reservation for women and SC/ST is a welcome step. In fact this should have been done long back. There should be time frame for constitution of VP after receiving application from the village.

Management of VP	Once a VP is constituted, the Deputy Commissioner will ask for a draft working plan for the management of forest and forward it to the commissioner for his approval. Every resident shall have equal right (Rule 8)	Once a VP is constituted, the Deputy Commissioner will ask for a draft working plan for the management of forest and forward it to the commissioner for his approval. Every resident shall have equal right (Rule 11)	DFO shall prepare a Composite Management Plan for all Panchayati Forests under his control for a period of five years. It shall be obligatory for a VP to prepare a microplan based on the guiding principles given in the Composite Management Plan and protection of the Panchayati forest for a period of five years with assistance from ACF. The microplan has to be passed by a general meeting of all right holders before being finally approved by DFO. It shall be the duty of VP to follow the microplan strictly (Rules 11 and 12).	DFO shall prepare a composite management plan for all panchayati forest under his control for a period of five years which shall be approved by the conservator of forest of concerned region. It shall be obligatory for VP to prepare a microplan in the direction of Ranger or Deputy Ranger of forester or forest guard based on the guiding principles given in the composite management plan and needs and ecological conditions of the concerned VP. This microplan has to be passed by the general meeting of all right holders before being finally approved by ACF of the concerned region (Rules 11 and 12).	VP should have exclusive power for planning, implementation & management of Panchayat forest. When a microplan is prepared and approved by the general meeting of right holders it should not go to DFO. Instead forest official must be present in such meetings for clarification and discussion.
Removal of a member by VP	If the majority of VP members feel it necessary to remove a member, then the Sarpanch brings it to the notice of Deputy Commissioner who will visit the village and take the views of persons having voting rights and work accordingly. But vacancy of panchayat committee member was to be filled by villagers. However, there was no rule for removal of sarpanch. (Rule 11)	If the majority of VP members feel it necessary to remove a member, then the Sarpanch brings it to the notice of Deputy Commissioner who will visit the village and take the views of persons having voting rights and work accordingly. If the member is removed then the Deputy Commissioner shall ask the voters to elect a new member for the remaining duration. However, there was no rule for removal of sarpanch. (Rule 15)	If the majority of VP members feel it necessary to remove a member, then the Sarpanch brings it to the notice of SDM who shall visit the village and take the views of persons having voting rights and work accordingly. If the member is removed then the Deputy Commissioner shall ask the voters to elect a new member for the remaining duration. (Rule 17)	If one-third members of the management committee inform SDM of their intention to remove the Sarpanch and if non-confidence motion is passed by two-third members of the management committee, Sarpanch can be removed. If the majority of Van committee feel it necessary to remove a member then the Sarpanch brings it to the notice of SDM. A nominated member of SDM shall visit the village and take the views of persons having voting rights and work accordingly. If the member is removed then the Deputy Commissioner shall ask the voters to elect a new member for the remaining duration. (Rule 17)	Involvement of SDM or DM is uncalled for. In a democratic institution, it should be left to the people to decide such matters in the general body meeting of VP. Majority view must prevail.

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Appointment of officials	No restriction to employ Guard/Watchman (Rule 5)	Subject to the availability of funds, VP may appoint such number of paid personnel as may be considered necessary after the approval of Deputy Commissioner (Rule 17).	Subject to the availability of funds, VP may appoint such number of paid personnel as may be considered necessary (Rule 22).		The autonomy is a welcome step but it was always there.
Duties of VP	VP had no rights to divide, sell or mortgage the Panchayat forestland, and it had obligation to protect the forest, use forest products to benefit the proprietary rights holders and prevent encroachment in Panchayat forest land, and protect the forest from fire etc. (Rule 9).	<p>Rule 18</p> <p>(a) To prevent any harm to trees</p> <p>(b) To prevent any kind of encroachment</p> <p>(c) To build boundary pillars and protect them</p> <p>(d) To protect and improve the forest</p> <p>(e) To close at least 20% of the forest for grazing</p> <p>(f) To prevent illegal cutting of trees</p> <p>(g) To equi - distribute forest usufructs</p>	<p>Rule 19</p> <p>(a) To prepare a five year microplan and annual implementation plan</p> <p>(b) To protect the trees from damage</p> <p>(c) To build boundary pillars and protect them</p> <p>(d) To utilize the forest to the best advantage of the right holders</p> <p>(e) To ensure catchment areas and areas of water sources are well wooded</p> <p>(f) To close at least 20% of the forest for grazing</p> <p>(g) To ensure preservation of wildlife</p> <p>(h) To prevent encroachment</p> <p>(i) To prevent illegal cutting of trees</p>	<p>Rule 19</p> <p>(a) To prepare five year microplan and annual implementation plan</p> <p>(b) To protect the trees from damage</p> <p>(c) To prevent encroachment upon.</p> <p>(d) To build boundary pillars and protect them</p> <p>(e) To utilize the forest to the best advantage of the right holders</p> <p>(f) To ensure protection of catchment areas and areas of water sources are well wooded</p> <p>(g) To promote natural regeneration. 20% area to be closed for grazing every year</p> <p>(h) To ensure preservation of wildlife</p> <p>(i) To prevent illegal cutting</p>	<p>Fund should be made available and technical skills should be upgraded to fulfill the duties.</p> <p>Visit of Forest officials every alternative 5th year is needed for this type of work.</p> <p>Upgradation of technical skills is needed to perform these functions.</p> <p>Selected people can be trained in each VP.</p>
Powers of VP	<p>Rule 12</p> <p>The status of VP shall be same as that of forest official.</p> <p>(a) To issue permits for grazing, grass cutting, firewood collection or stone collection for</p>	<p>Rule 19</p> <p>The status of VP will be equivalent to a Forest Officer and have the following powers:</p> <p>(a) Can charge a fine upto Rs. 50/- from the</p>	<p>Rule 20</p> <p>The status of VP shall be of a forest officer having following powers in its jurisdiction:</p> <p>(a) To compound forest offence committed for a sum of money upto Rs. 500/- for each offence.</p> <p>(b) To institute and defend suits and proceedings in respect of claims arising under these rules.</p>	<p>Rule 20</p> <p>In addition to what is stated in Rule 20 of 2001 Rules,</p> <p>(i) Management committee can sign MOU with self help group or forest user group for managing the forest in terms of its development, Silviculture treatment and management prescription after getting approval from general body.</p>	<p>Approaching DFO for every offence is neither feasible nor practicable. It should be left to the VP itself to do the job keeping in</p>

	<p>house construction by payment of fees. (b) The Forest Department tapped resin for the Panchayat (c) power to fine up to Rs. 5.00</p>	<p>defaulters and upto Rs. 500/- with prior approval from the Deputy Commissioner. (b) Without harming the forest, local sale of forest produce permissible, with prior permission has from the forest officer. VP can permit the right holders to take fodder and fuel wood for their domestic consumption and charge fee for the same. If VP feels that some of the forest produce can be commercially exploited, then it has to give an application to the Commissioner who will forward it along with his comments and suggestions to DFO, who in turn recommend it along with his comments and recommendations to the Conservator of Forest for decision making. On receiving the directions, DFO will identify the trees and other produce for use. VP can sell the fallen fuel wood and grass provided</p>	<p>(c) To regulate grazing and admission of the cattle into the Panchayati Forest. (d) To impound cattles, trespassing into the Panchayati Forest in accordance with the Cattle Trespass Act, 1871. (e) To exclude, from any or all privileges in the Panchayati Forest, any person, whom VP considers to be responsible for fire or damage to the Panchayati Forest area or who does not obey order issued by VP in exercise of the powers conferred on it. (f) To seize all tools or weapons used in committing forest offences within the area of VP. (g) To make local sale of forest produce without detriment to forest and to issue permits and charge fees for grazing or cutting grass or collection of fallen fuel if considered necessary, provided such an exploitation has the prior approval of DFO, and made for the bona fide use of the right holders; provided further that DFO's permission would not be necessary for allowing grazing, or cutting of grass or collection of fallen fuel. (h) To extract and sell resin in accordance with the provisions of the Uttar Pradesh Resin and other Forest Produce (Regulation of Trade Act, 1976).</p>	<p>Rule 18 (a) Usufruct from forest panchayat can be utilized on the prescribed limit of micro plan. (b) The right holders traditional rights are subject to micro plan prescription. (c) Divisional Forest officer and resolution passed in the general assembly, usufructs can be distributed to right holders for domestic use or rural cottage industry. (d) If management committee thinks that there exist sufficient amount of any usufructs which can be commercially exploited, then it will apply to forest range officer who will send the same to divisional forest officer with his comments. The divisional forest officer shall pass the order and the ACF/deputy DFO shall ensure the sale of such product through auction.</p>	<p>mind, the market value of the property Legal cases should be handled by Panchayat Van Vikas Adhikari for their quick disposal. FD or DM must bear the expenses on legal matters. This rule contradicts the power given in rule 20.</p>
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		<p>this does not violate its duties. VP can sell slate and stones to the villagers for their domestic use.</p> <p>(c) To lease some part of the forest for commercial use provided the area is not more than 100 sq. yds. and is on the periphery of the forest. Prior permission for this has to be taken from the Deputy Commissioner.</p> <p>(d) To regulate grazing in the forest area.</p> <p>(e) To exclude any villager from the privileges of VP if he/she is found guilty of harming the forest or does not abide by the rules of VP.</p> <p>(f) under special circumstances one tree can be sold to right holders for domestic purpose.</p> <p>(g) To seize the tools or weapons from defaulters</p>			
Plan	-	It is mandatory for the Forest Department to prepare a working plan for the panchayati forest after consultation with VP and considering the expectations	<p>The DFO shall prepare a Composite Management Plan for all the Panchayati Forests under his control for a period of five years and submit it to the Conservator of Forests for the approval (Rule 11).</p> <p>It shall be obligatory on the part of VP to prepare a microplan for the management and protection of Panchayati Forests for a period of five years with the assistance of the Assistant DFO. The microplan will be placed before the general meeting of all the right holders for its approval before it is finally</p>		Nothing has been said about funding of annual implementation plan.

		of the villagers and bear the cost of preparation of the plan. Conservator will prepare the working plan and the Chief Conservator will approve it before its implementation. After the approval from the Chief Conservator, it shall be mandatory for VP to abide by it and cannot divert from it before the approval of the Chief Conservator (Rule 21).	sanctioned by the DFO (Rule 12). VP will prepare an Annual Implementation Plan for the management and development of Panchayat forests with the help of Forest guard, on the basis of the sanctioned microplan, and will get it approved by assistant conservator of forest by 1 September (Rule 13).	
VP Fund	The entire income was at the disposal of VP but located centrally with the DM. Panchayats were empowered to spend it - first for the improvement of Panchayat forest and then in the interest of utility of community (Rule 17).	Rule 23. All VP income shall be deposited in the Panchayat forest fund and its distribution and utilization shall be done by following methods. (a) District council - 20%. (b) 50% of the balance for the development of local utility schemes. (c) 50% of the balance shall be utilized by the Forest Department for the development and protection of forest.	Rule 28 A Panchayati Forest Fund shall be created for every VP and the income from the following sources shall be deposited in it: (a) the sale of proceeds of forest produce (b) government grants (c) any other source of revenue (d) money being the share of VP lying unutilised with the collectors.VP shall manage the Panchayati Forest Fund under the overall control of the DFO. The account shall be operated by the Sarpanch (Rule 29).	It's a welcome step to setup a separate fund for VP. However, it should be utilized in the right earnest. Generally it is seen that in practice, due share is not reaching/ available to the VP. Procedure to obtain permission from DFO often takes a long time. The proposed expenditure must be passed by general body of VP and similarly expenditure account must also be placed
		Rule 30 The net income from the sale of resin and other forest produce shall be determined as follows: the Forest Department shall take all actual	Rule 30 The net income from the sale of resin and other forest produce shall be determined as follows: The Forest Department shall take all actual	

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			<p>expenditure incurred in resin tapping and such overhead as may be determined from time to time by the State Government.</p> <p>As regards to the other forest produce, the Forest Department shall charge 10% of sale proceeds as administrative expenditure.</p> <p>Distribution and utilisation of Panchayati Fund shall be done in the following manner:</p> <p>(a) 20% to Zilla Panchayat</p> <p>(b) not less than 50% of the balance amount shall be incurred for maintenance and development of Panchayati Forest.</p> <p>(c) balance 50% of the amount shall be incurred on implementation of projects of local utility by VP.</p>	<p>expenditure incurred in resin tapping and such overhead as may be determined from time to time by the State Government.</p> <p>As regards the other forest produce, the Forest Department shall charge 10% of sale proceeds as administrative expenditure.</p> <p>Distribution and utilisation of Panchayati Fund shall be done in the following manner:</p> <p>(a) 30% to Gram Panchayat for implementing general utility development schemes</p> <p>(b) 40% for protection and development of Panchayat forest</p> <p>(c) 30% for maintenance and development of local utility schemes.</p>	<p>before general body and approved by it</p> <p>Presently gram panchayats receive lot of funding from govt. and the income from VPs is too small in majority of cases therefore, diverting 30% fund to Gram Panchayat is not desirable. Instead 100% fund should be available to VPs exclusively for forest development & protection.</p>
Constitution of District VP advisory Committee	-	-	<p>Rule 52</p> <p>The District Forest Panchayat Advisory Committee shall consist of:</p> <p>(a) President - District Panchayat</p> <p>(b) District Forest Panchayat development Officer</p> <p>(c) One male and one female VP Sarpanch nominated by the DM</p> <p>(d) Divisional panchayat officer</p> <p>(e) District panchayat officer</p> <p>(f) Two chief of block development committee nominated by the DM.</p>	<p>The Area Advisory Committee shall be formed only when more than half of the villages situated in the area have VPs. It has 13 members including 8 VP Sarpanchs (Rule 52).</p> <p>The District Advisory Committee consists of district coordinator as President, all area coordinators of the district, one civil officer & one DFO (Rule 53).</p>	<p>A very large and elaborate mechanism has been created. VPs lack the financial means to attend all these meetings.. Travelling is time consuming as well as very expensive in hills. Bureaucratic procedures need to be reduced.</p>
			<p>Role of Advisory committee (Rule 54)</p> <p>(a) To supervise VP's work</p> <p>(b) To provide guidelines to improve VPs.</p>	<p>The State level Advisory Committee consists of Forest Minister as president, all district coordinators, Secretary Forest Department, Secretary, Revenue</p>	

			(c) To help VPs secure and manage funds from different sources. (d) To help VPs function properly	Department, Govt. of Uttarakhand and Additional Principal Conservator of Forest (Village Forest). This committee shall meet once in a year to discuss all policy related matters (Rule 54).	
Duties of the Sarpanch	-	The Sarpanch shall be responsible for the overall functioning of VP, which includes calling and presiding meetings, directing and managing the establishment, works and accounts. The financial powers of the Sarpanch are limited to Rs. 50/- (Rule 27).	The Sarpanch shall be responsible for the overall functioning of VP, which include calling and presiding meetings, directing and managing the establishment, works and accounts. The Sarpanch will have the power to incur expenditure upto Rs. 1,000/- and to draw an advance upto this limit from Panchayati Forest Fund in anticipation of sanction of VP for performing his duties under these rules (Rule 25).	The Sarpanch shall be responsible for the overall functioning of VP, which include calling and presiding meetings, directing and managing the establishment, works and accounts. The sarpach will have the power to incur expenditure up to Rs. 1,000/- (Rule 25). Duties of district and area advisory committees (Rule 57): <ul style="list-style-type: none"> • Supervise the working of VP. • To issue guidelines for implementation by village forest committees. • To help forest management committees to secure fund and manage it properly. • To help forest management committees to function properly 	It needs modification. For all these purposes, Sarpanch along with Panches of VP Management Committee should be made responsible to avoid abuse of power and authority by Sarpanch and to strengthen it by spreading authority to management committee.
Removal of Sarpanch – No-confidence motion	-	Sarpanch can be removed by Deputy Commissioner if a no-confidence resolution is placed by one-third members of VP and passed by two-third majority in VP (Rule 28).	Sarpanch can be removed by SDM if a no-confidence resolution is placed by one-third members of VP and passed by two-third majority in VP (Rule 17).	DM on his own or on receipt of any complaint may set the inquiry by SDM and if found correct, can remove any member including Sarpanch (Rule 39).	The power to remove VP Sarpanch has been shifted to bureaucrats. The earlier rules of 1976 and 2001 were more democratic.
Removal of members or Sarpanch of VP	-	Deputy Commissioner can remove a member or Sarpanch of VP if an enquiry is being conducted or is to	The Collector either on his own or on receipt of complaint may, after enquiry made by him or through an officer not below the rank of SDM, remove a member or Sarpanch of VP (Rule 39).		This provision is not required. Election and recall should be left to general body of VP.

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		be conducted against him (Rule 40). A Deputy Commissioner can remove a member or Sarpanch. However, a show cause notice is mandatory and also an appeal against the order can be made (within 30 days of the order) to the commissioner (Rule 42).		The Deputy Commissioner can remove a member or Sarpanch of VP if an enquiry is being conducted or is to be conducted against him (Rule 38).	Any complaint to DM should be routed back to general body of VP for consideration and decision.
Suspending, or superseding or dissolving a VP	The Deputy Commissioner can dissolve the VP if he/she found that it is not following his/her order and ignoring its duties (Rule 18).	The Deputy Commissioner can suspend, supersede or dissolve a VP if he considers it to be misusing power, incompetent or undesirable in public interest. He can appoint an officer (Panchayat Inspector, any local Revenue Officer or a Patwari) for the management of forest till the constitution of the new VP (Rule 43).	The Collector may suspend, supersede or dissolve any VP if in his opinion it abuses its position or is found negligent in the discharge of duties imposed upon it under these rules or if its continuance is not considered desirable in public interest. He can appoint an officer (Panchayat Inspector or Assistant Panchayat Inspector) for the management of forest till the constitution of the new VP (Rule 43).	The Collector may suspend, supersede or dissolve any VP if in his opinion it abuses its position or is found negligent in the discharge of duties imposed upon it under these rules or if its continuance is not considered desirable in public interest (Rule 43). He can appoint an officer (Panchayat Inspector or Assistant Panchayat Inspector) for the management of forest till the constitution of the new VP (Rule 45).	This amounts to interference in democratic institutions. Instead, DM should call a general body meeting to discuss all matters and send the concerned SDM and DFO as observers. DM should take direct action only if general body fails to take appropriate decision.
Right to overrule a resolution, directive or order passed by VP	-	A Deputy Commissioner can refute, send back for reconsideration or confirm a resolution, directive or an order passed by a VP (Rule 43).	DFO may by order in writing prohibit, rescind, modify or confirm the execution of resolution, direction or order passed by VP or by any of its officers if in his opinion such resolution, direction or order is of a nature as to cause obstruction, annoyance or injury to public or public interest or is against the provisions of these rules (Rule 49).		This amounts to interference. Any resolution that is considered against public interest, should be placed

					before general body meeting for withdrawal. Such meetings may have observers from DFO/SDM. If general body refuses to abide, DFO/SDM can take appropriate decision.
Reconstitution of VP	-	-	It shall be obligatory on the part of the Collector to reconstitute new VP within a period of six months from the date of supersession or dissolution of a VP (Rule 46).		This is a welcome step.

*LEAD Journal (Law, Environment and Development Journal) is jointly managed by the
School of Law, School of Oriental and African Studies (SOAS) - University of London
<http://www.soas.ac.uk/law>
and the International Environmental Law Research Centre (IELRC)
<http://www.ielrc.org>*

