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Annex

Fact Sheet on Himachal Pradesh

Location Longitude: 75° 47' to 79° 04' E
Latitude: 30° 22' to 33° 12' N

Total Area 55,673 sq.km.

Population	Year	Total	Men	Women	Percentage
					Increase
	1991	5,170,877	2,617,467	2,553,410	20.79
	1981	4,280,818	2,169,931	2,110,887	23.70
	1971	3,460,434	1,766,957	1,693,477	23.0
	1961	2,812,463	1,451,334	1,361,129	17.87
	1951	2,385,981			

Administrative Facts	No. of Districts	: 12
	No. of Hill Districts	: 6 (Shimla, Kinnaur, Kullu, Lahaul and Spiti, Chamba, Sirmour)
	No. of Plains Districts	: 6 (Bilaspur, Hamirpur, Kangra, Mandi, Solan, Una)
	Population in hills:	: 35%
	Population in plains:	: 65%

Natural Resources (in sq. km.)	Total	55,673
	Agriculture	9,656
	Forestry	35,407
	Barren/degraded land	1,461
	Other uses	9,149

Status of Forest Resources (in sq. km.)	Total	35,407
	Reserved Forest	1,896
	Demarcated Forest	11,559
	Undemarcated Forest	19,903
	Strip Forest (Road/Railways)	11
	Unclassed	680
	Other Forest	954
	Private Forest	404
	Protected Area	5,664

National Parks	1,440
Game Reserves	18

Socio and Economic Information

Annual Economic Growth Rate(per cent)

Year	Himachal Pradesh	All India
1992 - 93	1.6	4.3
1993 - 94 (P)	3.4	4.3
1994 - 95 (Q)	5.2	6.2

P= Provisional, Q Quick

Total Number of Households

Number above poverty line	602,799
Number below poverty line	303,673

Land Holdings 1990-91

Size of holding (hectares)	Category of farmer	No. Of holdings ('000)	Area '000 ha	Average size of holdings (ha)
Below 1.0	Marginal	538 (63.8%)	218 (21.5%)	0.4
1.0 - 2.0	Small	168 (19.9%)	228 (22.5%)	1.4
2.0 - 4.0	Semi-medium	96 (11.4%)	261 (25.7%)	2.7
4.0 - 10.0	Medium	36 (4.3%)	207 (20.4%)	5.7
10.0 and above	Large	6 (0.6%)	100 (9.9%)	18.1
		44 (100.0%)	1,014 (100.0%)	1.2

Education

Total literacy in the state (1991 census): 100%

Men	:	75.36 %
Women	:	52.13 %
Number of school going children	:	1,262,000
Age group 6-11	:	690,000
12-14	:	331,000
15-16	:	215,000
17+	:	26,000

Social

Number of hospitals	:	776
Total number of villages	:	19,388
Villages with drinking water	:	16,807 (87%)
Number of villages electrified (1994)	:	100%

Annex 2

Acts, Rules and Notifications

Applicable to Forest Lands in HP

(a) Acts Enforced by the DFFC

1. Himachal Pradesh River Rules 1971
2. Forest Produce Transit (Land Routes) Rules 1978
3. The Mandi Minor Forest Produce Exploitation and Export Act, 1997 Vikram Samvat (1937 AD)
4. The Chamba Minor Forest Produce Exploitation and Export Act, 2003 Vikram Samvat (1943 AD)
5. Chamba Minor Forest Produce Manufacture of Drug and Export Rules, 1947
6. Indian Forest Act, 1927
7. HP Private Forest Act, 1954
8. Rules under HP Private Forest Act, 1954
9. The Himachal Pradesh Forest (Settlement) Rules, 1965
10. Himachal Pradesh Forest (Sale of Timber) Act, 1968
11. Rules under Himachal Pradesh Forest (Sale of Timber) Act, 1969
12. Rules under Himachal Pradesh (Sale of Timber) Act (1st Amendment), 1984
13. The Wildlife (Protection) Act, 1972
14. Rules under the Wildlife (Protection) Act, 1972
15. The Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981
16. Amendments to the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981
17. Amendment of the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981
18. Himachal Pradesh Resin and Resin Products (Regulation of Trade) Rules, 1981
19. The Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982
20. Amendment of the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982
21. Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1984
22. The Forest (Conservation) Act, 1980
23. The Forest Conservation Rules 1981 as amended by the Forest (Conservation) Amendment Act, 1988

(b) Acts Enforced by the Revenue Department

1. HP Land Revenue Act 1953
2. The Punjab Land Revenue Rules (as applicable to HP) vide notification of 1949
3. The HP Cancellation or Remission of Assignment of Land Revenue Rules, 1956

4. The HP Land Revenue (Fees for Inspection and Copies of Extracts from Patwari's Records) Rules, 1980
5. The Himachal Pradesh Abolition of Land Revenue on Uneconomic Holdings Act, 1977
6. The Himachal Pradesh Land Revenue (Surcharge) Act, 1974
7. The Himachal Pradesh Utilisation of Lands Act, 1973
8. The Himachal Pradesh Utilisation of Lands Rules, 1973
9. The Himachal Pradesh Ceiling on Land Holdings Act, 1972
10. The Himachal Pradesh Ceiling on Land Holdings Rules, 1973
11. The Himachal Pradesh Utilisation of Surplus Area Scheme, 1974
12. The Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974
13. The Himachal Pradesh Village Common Lands Vesting and Utilisation Rules, 1975
14. The Himachal Pradesh Village Common Lands Vesting and Utilisation Scheme, 1975
15. Notification and Rules under the Village Common Lands Vesting and Utilisation Act, 1974
16. The Punjab Village Common Lands (Regulation) Act, 1961
17. The Himachal Pradesh Land Preservation Act, 1978
18. Amendments of Land Preservation Act, 1978 for Kangra, Kullu, Mandi, Chamba, Bilaspur, Una, Shimla, Solan, Sirmour, Hamirpur and Kinnaur Districts
19. Amendments of Land Preservation Act, 1978 for Kangra, Kullu, Mandi, Chamba, Bilaspur, Una, Shimla, Solan, Sirmour, Hamirpur and Kinnaur Districts
20. Compounding of Forest Offences under Section 19 of the Land Preservation Act, 1978
21. Rules under Land Preservation Act, 1978
22. The Himachal Pradesh Land Preservation Rules, 1983
23. Rev.A dated 7th January, 1975 regarding Grant of Nautor Land
24. The Himachal Pradesh Government Letter No.9-13/71-Rev. A dated 10th/11th April, 1975 regarding Grant of Nautor Land
25. The Himachal Pradesh Government Letter No.9-13/71-Rev. A dated 19th December, 1975 regarding Grant of Nautor Land
26. The Himachal Pradesh Government Letter No.9-13/71-Rev.A, dated 18th May, 1976 regarding Grant of Nautor Land
27. The Himachal Pradesh Government Letter No.9-13/71-Rev.A, dated 21st August, 1976 regarding Grant of Nautor Land
28. The Himachal Pradesh Government Telegram No.9-13/71-Rev.A dated 19th July, 1978 regarding Grant of Nautor Land under Nautor Rule 27-B
29. The Himachal Pradesh Government Letter No.9-13/71-rev.B(I)dated 29.11.78 regarding Grant of Nautor Land
30. The Himachal Pradesh Government Letter No. Rev.B-9-13/71, dated 10.12.79 regarding Sanction of Land under Nautor Rules.
31. The Himachal Pradesh Government Letter No.9-13/71-IV. Rev.B, dated 23.4.82 regarding Grant of Nautor Land-Review of Policy Regarding
32. The Himachal Pradesh Government Notification No.9-14/75-Rev.A dated 15.10.75 Special Scheme for Grant of Nautor Land to Landless Persons in the State
33. Rules Governing the Grant of Nautor in the Undemarcated Waste of the Rupi Jagir in the Kullu Sub-Division
34. Rules for the Allotment of Plots in the New Bilaspur Township
35. Scheme for the Resettlement and Rehabilitation of Outsees of ACC Cement Factory Gaggal, District Bilaspur, HP
36. The Himachal Pradesh Government Notification No.10-5/73 Rev.Cell, dated 15.12.73 amending- Resettlement and Rehabilitation of Bhakra Dam Oustee (Grant of Land) Scheme, 1971
37. The Himachal Pradesh Government Letter No.10-5/73-Rev.Cell, dated 16th April, 1975 to Amended Resettlement and Rehabilitation of Bhakra Dam Oustees Scheme, 1971

38. The Himachal Pradesh Government Letter No.Rev.2F(8)-1/Vol.III, dated 13th March, 1990 regarding removal of encroachment
39. The Himachal Pradesh Government Letter No.Rev.D(F)6-6/86, dated 4th October, 1986 regarding dealing with encroachment of disputes as to boundaries
40. The Himachal Pradesh Government Letter No.Raj.2-A(4)-5/78, dated 15.1.80 regarding change of entries in Girdawari
41. The Himachal Pradesh Government Letter No. Raj. 2A(4)-5/78, dated 28.4.80 regarding change of entries in Khasra Girdawari
42. The Himachal Pradesh Government Letter No.10-5/73-II, dated 4.9.80 regarding change of entries in Khasra Girdawari
43. The Himachal Pradesh Government Letter No.10-1/73-Rev.B.II, dated 18.11.89 Govt. instructions regarding creation and maintenance of two pools under HP Village Common Lands Vesting and Utilisation Act, 1974
44. The Himachal Pradesh Government Notification No. Rev. D(D)1-18/85-1, dated 26.12.89 regarding entry of "*Khudro Darakhtan Malkiyat Sarkar*"

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Annex
Definition of Right Holders

Punjab Government Notification No: 4117-D, Dated 26-4-48

1. In exercise of the powers conferred by section 32 of the Indian Forest Act, 1927, and all other powers enabling him in this behalf, the Governor of East Punjab is pleased to direct that Punjab State Government Notification No. 1590. Ft. dated 2nd June, 1941 is hereby cancelled.
2. The original definition of right holder as given in Punjab Govt. Notification No. 507, dated 7th November, 1896 will stand viz.,

“Right holder means a person to whom right has been admitted in the record of rights of any forests”.

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Annex
*HP Kulehar Forest (Acquisition of
Management) Act 1992 (Act No.
19 of 1992)*

Government of Himachal Pradesh
Department of Forest Farming and Conservation

(Authoritative English text of this Department Notification No. VAN (A) 4-3/91-
Vol. II, dated 10th March 1995 (required under Article 348(3) of the Constitution of India))

No. VAN (A)4-3/91-Vol.II
Dated: Shimla-2, the 10th March, 1995

ORDER

In exercise of the powers conferred by section 9 and 10 of the Himachal Pradesh Kulehar Forest (Acquisition of Management) Act, 1992 (Act. No. 19 of 1992), the Governor of Himachal Pradesh is pleased to authorise the Divisional Forest Officer, Una (HP) to enter any land or promises vested in the State Government under Section 4 of the said Act and:

- a) to take over the possession of lands/buildings/trees and all other documents/properties relating to the Kulehar forests from Shri Mohinder Pal, former Superintendent of Kulehar Forests or any other persons in possession, custody and control of such property forthwith,
- b) to make survey, examine and investigate matters preliminary or incidental in to the purposes of the Act; and
- c) the receiver to take in the possession, custody or control, any books, documents or other papers relating to the management of Kulehar Forest transferred and vested in the State Government under the said Act.

BY ORDER

Financial Commissioner-cum-Secretary (Fts)
To the Government of Himachal Pradesh.

No. VAN (A) 4-3/91-Vol.II
Dated Shimla-2, the 10th March, 1995.
Copy forwarded to:

- 1 All the Administrative Secretaries to the Government of Himachal Pradesh.
2. The Principal Chief Conservator of Forests, Himachal Pradesh with 10 spare copies.
3. The Conservator of Forests, Dharamshala Distt: Kangra, Himachal Pradesh.
4. The Managing Director, HP, State Forest Corporation Ltd, Shimla171002.

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Annex
The Indian Forest (HP Amendment) Act, 1968

The Indian Forest (East Punjab Amendment) Act, 1968, the Indian Forest (Punjab Amendment) Act, 1954 and the Indian Forest (Punjab Amendment) Act, 1962, in so far as these apply to the areas merged in Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 are hereby repealed.

Provided that such repeal shall not affect:

- a) the previous operation of the Acts so repealed or anything duly done or suffered thereunder; or
- b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed; or
- c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed; or
- d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or
- e) operation of section 39 of the Patiala Forest Act, 1999 BK which is a saving under section 7 of the Indian Forest (Punjab Amendment) Act, 1962

Any such investigation, legal proceeding or remedy may be instituted continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this act has not been passed.

- (2) Subject to the provision of sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, bye-laws or form framed) so far as it is not inconsistent therewith shall be deemed to have been done or taken under the principle Act as so amended;

Provided that all forests which, immediately before the commencement of the Indian Forest Act (Punjab Amendment) 1962 are, or are deemed to be, first and second class forests under the Acts repealed by sub-section (1) shall, respectively, be deemed to be reserved and protected forests for the purposes of the principle Act as amended by this Act.

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Annex
The HP (Sale of Timber) Act,
1968

(Received the assent of the President of the India on the 12th November, 1968 and was published in RHP Extra, dated the 17th February, 1968 at P.145-148)

An Act to provide for the control of the sale of timber and establishment of sale depots for such timber in HP.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth year of the Republic of India as follows:

1. **Short title, extent and commencement** – (1) This Act may be called the Himachal Pradesh Forest (Sale of Timber) Act, 1968.
 - It shall extend to the whole of Himachal Pradesh.
 - It shall come into force at once.
2. **Definitions** – (1) In this Act, unless the context otherwise requires—
 - a) ‘Official gazette’ means the Rajpatra, Himachal Pradesh and
 - b) ‘State Government’ means the Government of Himachal Pradesh.

(2) Words and expressions used, but not defined, in this Act and defined in the Indian Forest Act, 1927 (16 of 1927), shall have the meanings respectively assigned to them in that Act.
3. **Power to make rules, regulating sale of timber and the establishment of sale depots** — (1) The State Government may, by notification in the Official Gazette, make rules to regulate the sale of timber and the establishment of sale depots for such timber.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may:

 - a) prescribe the class of timber to which the rules shall apply;
 - b) define what shall be deemed to be a sale depot;
 - c) provide, for the establishment, registration, regulation and inspection of the depots, and the levy of fees for registration; prescribe the period for which registration shall hold good and the conditions under which timber may be brought to, stored at, and

removed from, sale of depots; and prohibit the sale of timber at or the establishment or maintenance of unregistered sale depots.

- d) regulate the use of sale depot marks and the registration of such marks; prescribe the time for which registration shall hold good; and provide for the levy of fees for registration.
- e) prescribe the registers to be maintained at sale depots and provide for the production of such registers before and for their examination by any forest officer authorised in this behalf by the Divisional Forest Officer.
- f) prescribe, as penalties for the infringement of any rule made under this section, imprisonment which may extend to six months or fine which may extend to five hundred rupees or both. Double penalties may be inflicted where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or if the officer has been previously convicted of a like offence.

(3) All rules made under the section shall be so made after previous publication in the Official Gazette.

(4) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made.

4. **Application of chapter IX of Indian Forest Act, 1927**—The provisions of chapter IX of the Indian Forest Act 11927 (16 of 1927) with the exception of section 68 shall apply, so far as may be, to any infringement of the rules made under this Act as if such infringement were a forest offence under the Indian Forest Act, 1927.

5. **Indemnity for acts done in good faith**— No suit shall lie against any public servant for anything done by him in good faith under this Act.

6. **Repeal and savings**—The following Acts are hereby repealed:

- the Punjab Forest (Sale of Timber) Act, 1913 (3 of 1913), as applicable to the areas merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966); and
- the Punjab Forest (Sale of Timber) Act, 1913 (3 of 1913), as applicable to the areas merged with Himachal Pradesh (Application of Laws) Order 1949.

Provided that anything done, or any action taken or proceedings commercial or continued under the Acts hereby repealed shall be deemed to have been done, taken, commenced or continued under the corresponding provisions of this Act.

Annex 7
*HP Public Premises and Land
(Eviction and Rent Recovery) Act,
1971 (Act No. 22 of 1971)*

(Authoritative English text of this Department Notification No.1-21/71-LSG, dated 5.6.1994
(required under clause (3) of Article 343 of the Constitution of India)

Government of Himachal Pradesh
Department of Forest Farming and Conservation
No.1-21/71-LSG
Dated Shimla-2, the 5th June, 1994

NOTIFICATION

In exercise of the powers conferred by clause (a) of Section-2 of the HP. Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No-22 of 1971) the Governor of Himachal Pradesh is pleased to appoint all the Divisional Forest Officers of the Forest Department to perform the functions of the Collector within their jurisdiction under the aforesaid Act in so far as the encroachments as well as unauthorised occupation of Forest Land is concerned with immediate effect.

BY ORDER

Commissioner-cum-Secretary (Forests)
to the Government of Himachal Pradesh.
No.1-21/71-LGC
Dated Shimla-2, the 5.6.1994

Copy forwarded to:

1. All the Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to the Government of Himachal Pradesh.
2. All the Heads of Departments in Himachal Pradesh.
3. The Controller, Printing and Stationery, HP Govt. Press for publication in the HP. Rajpatra (Extraordinary). It is requested that ten copies of the Rajpatra in which the above appears be supplied to this Department.
4. ALD, Law Dept. In the HP. Sectt. Shimla-2.
5. Guard file.

Under Secretaries (LSG) to the
Govt. Of Himachal Pradesh.



Annex
*The Indian Forest (Himachal
Pradesh Second Amendment) Act,
1991*

(Authoritative English text Act No. 15 of 1991)
(As assented to by the President on 9th July, 1991)

AN ACT

Further to amend the Indian Forest Act, 1927 (Central Act No. 16 of 1927) in its application to the State of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-second Year of the Republic of India as follows:-

1. This Act may be called the Indian Forest Act, 1927 (Himachal Pradesh Second Amendment) Act, 1991.
2. In section 2 of the Indian Forest Act, 1927 (hereinafter called the principal) Act, 1991.
 - a) in clause (6), the word “and” occurring at the end shall be omitted.
 - b) in clause (7), for the sign “.”, the sign word “; and” shall be substituted; and
 - c) after clause (7) so amended, the following clause(8) shall be added, namely:-

“(8)”Vehicle” means a wheeled conveyance of any description which is capable of being used for movement on land and includes a cart, trolley vehicle and a trailer but does not include bicycle and cattle”.

3. In sections 26, 33 and 42 of the principal Act, for the words “six months” and “five hundred”, the words “two years” and “five thousand” shall be substituted respectively.
4. For sub-section (2) of section 52 of the principal act, the following sub-sections (2) and (3) shall be substituted namely:-

“(2) Any Forest Officer or Police Officer may, if he has reasons to believe that a vehicle has been or is being used for the transport of timber (excluding fuelwood) resin, khair wood and katha in respect of which a forest offence has been or is being committed, require the driver or other persons-in-charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person-in-charge of the vehicle.

(3) Every Officer seizing any property under this section shall place on such property a mark indicating that the same has been seized, and shall, as soon as may be, make a report of such seizure:

- (a) where the offence, on account of which the seizure has been made, is in respect of timber (excluding fuelwood), resin, khair wood and katha which is the property of this State Government, to the concerned authorised officer under sub-section(1) of section 52-A; and
- (b) in other cases, to the magistrate having jurisdiction to try the offence on account of which the seizure is made”.

5. After section 52 of the principal Act, the following sections 52-A and 52-B shall be inserted, namely:

“52-A Confiscation by Forest Officers in certain cases

- (1) Notwithstanding anything contained in this Chapter, where a forest offence is believed to have been committed in respect of timber (excluding fuelwood), resin, khair wood and katha, which is the property of the State Government, the Officer seizing the property under Section-section (1) of section 52 shall without any unreasonable delay produce it, together with all tools, ropes, chains, boats or vehicles used in committing such offence before an Officer, authorised by the State Government in this behalf by notification published in the Official Gazette, not below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).
- (2) Where an authorised officer seizes under sub-section (1) of section 52 any timber (excluding fuelwood), resin, khair wood and katha, which is the property of the State Government or where any such property is produced before an authorised officer under sub-section (1), once he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of the property so sized together with all tools, ropes, chains, boats or vehicle used in committing such offence.
- (3) a Where the authorised officer, after passing an order of confiscation under sub-section(2), is of the opinion that it is expected in the public interests so to do, he may order confiscated property or any part thereof to be sold by public auction.
b Where any confiscated property is sold as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto, shall where the order of confiscation made under section 52-A is set aside or annulled by an order under section 59 or section 59A, be paid to the owner thereof or the persons from whom it was seized as may be specified in such order.

52-B Issue of show cause before confiscation under section 52-A

- (1) No order confiscating any timber (excluding fuelwood) resin, khairwood, and katha, ropes, chains, boats or vehicles shall be made under section 52-A except

after notice in writing to the persons from whom it is seized and considering his objections, if any;

Provided that no order confiscating a motor vehicle shall be made except, after giving notice in writing to the registered owner thereof, if in the opinion of the authorised officer it is practicable to do so, and considering his objections, if any.

- (2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat or vehicle shall be made under section 52-A if the owner of the tool, rope, chain, boat or vehicle proves to the satisfaction of the authorised officer that it was used in carrying the timber (excluding fuelwood), resin, khairwood and katha without the knowledge or connivance of the owner himself, his agent, if any, and the person-in-charge of the tool, rope, chain, boat or vehicle and that each of them had taken all reasonable and necessary precaution against such use”.
6. At the end of section 53 of the principal Act but before the sign “.” the words, brackets, figures, sign and alphabet “ or before the authorised officer under sub-section (1) of section 52-A” shall be inserted.
 7. After the words “The Magistrate” occurring in the beginning of section 58 of the principal Act, the words, brackets, figures and alphabet “or subject to such rules as may be prescribed, the authorised officer under sub-section (1) of section 52-A” shall be inserted.
 8. In section 59 of the Principal Act:
 - a) in the heading after the words “orders under section” but before the figure “55” the figure, alphabet and sign “52-A”, shall be inserted:-
 - b) the existing section shall be re-numbered as sub-section (1); and
 - c) after sub-section (1) so re-named, the following sub-section (2) and sub-section (3) shall be added, namely”-
 - (2) Any person aggrieved by any order passed under section 52-A or section 59-A may, within thirty days from the date of communication to him of such an order, appeal to the Sessions Judge having jurisdiction over the area in which the property to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity to the appellant and the authorised officer or the officer specially empowered under section 59-A, as the case may be, to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.
 - (3) The order of the Sessions Judge under sub-section (2) shall be final and shall not be questioned in any Court of Law”.
 9. After section 59 of the principal Act, the following sections 59-A and 59-B shall be inserted, namely:

“59-A *Revision*: Any forest officer not below the rank of Conservator of Forests, specially empowered by the State Government in this behalf by notification published in the Official Gazette, may, before the expiry of thirty days from the date of order of the authorised officer under section 52-A, *suo-moto* call for and examine the records of that order and may make such enquiry or cause such enquiry to be made and may pass such orders as he deems fit;

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

59-B *Bar of jurisdiction in certain cases:* Whenever any timber (excluding fuelwood), resin, khair, and katha together with any tool, rope, chain, boat or vehicle used in committing any forest offence is seized under section 52, the authorised officer under sub-section(1) of section 52-A or the officer specially empowered under sections 59-A or Sessions Judge hearing an appeal under sub-section (2) of section 59 shall have and notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or in any other law for the time being in force, any other officer, court, tribunal of authority shall not have, jurisdiction to make order with regard to custody, possession, delivery, disposal or distribution of such property.”

10. For section 60 of the Principal Act, the following shall be substituted, namely:

“60 — when an order for the confiscation of any property has been passed under section 52-A or section 55 or section 57, as the case may be or where on revision application made under section 59-A such order for confiscation has not been set aside, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred or when, on such an appeal being preferred, the Appellate Court confirms such orders in respect of the property or a portion of such property, such property or such portion thereof, or if it has been sold under sub-section (3) of section-52-A the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.”

11. After the figure “52” but before the sign, “.” occurring at the end of section 61 of the Principal Act, the signs and words, “ which is of section not the property of the Government and the withdrawal of any charge made in respect of such property” shall be inserted.

12. For the words, brackets and figures “ the Code of Criminal Procedure, 1898 (5 of 1898)” occurring in section 67 of the principal Act, the words, brackets and figures “ the Code of Criminal Procedure, 1973 (2 of 11974)” may be substituted.


Annex
Government of HP Forest
Department Order on PFM

No. Forests (C) 3-4/80-V
GOVERNMENT OF HIMACHAL PRADESH
FOREST DEPARTMENT

DT. Shimla-2, the 12.5.1993.

Subject: Participatory Forest Management.

1. Whereas certain areas in the Protected Forests as also some areas vested in the government under the H.P. Ceiling on Land Holding Act, 1972, and Village Common Lands (Vesting and Utilisation) Act, 1974 and transferred or to be transferred to the Forest Department are barren or have degraded in the past due to heavy biotic pressure close to villages and whereas these areas need immediate treatment through protection, afforestation, pasture development, soil conservation etc. So as to arrest their further environmental degradation and to augment fuelwood, fodder, and small timber production for use by local people and whereas active participation of the local people is vital for planning, protection, afforestation, and judicious use for eco-development of aforesaid areas.
2. Now, therefore, in pursuance of Government of India's letter (No.6-21/89-FP) dated June, 1st, 1990 from the then Secretary (Environment and Forests) to Forest Secretary of all States, it has been decided by the Government to constitute Village Forest Development Committees for Joint Forest Management in the villages of Himachal Pradesh for planning, protection, afforestation, judicious use for eco-development of aforesaid areas thereby bringing 50% of the feasible areas under forest cover by 2000 AD. In accordance with the policy of JFPM, detailed rules/guidelines will be notified.
3. Procedure for constitution of Forest Development Committee:
 - i) Name of Committee : Village Forest Development Committee (VFDC).
 - ii) Definition : A Village Forest Development Committee is a non-political body representing all families of a Tikka / Village.
 - iii) Area selection : There shall be only one village Forest Development Committee (VFDC) in each Tikka/Village.
 - iv) Constitution : One adult male and female member of each family will be enrolled as a member of the General House of VFDC of the

village. Present Mahila Mandal, President, Yuvak Mandal, Members of *Panchayat* representing Tikka/Village will be nominated as members of the General House of the VFDC by DFO concerned.

- v) Executive Body : The Executive Body will have 9 to 12 members including nominated ones. It will have President, Vice President, Treasurer etc. who will be elected by the Executive body itself. Two auditors will be elected in the General House.

A uniform representation shall be given to each group of 10-20 families and the executive body will have minimum 5 members from the Tikka/Village out of which 50% will be women.

Forest Guard will be *ex-officio* Member-Secretary of the Executive Body. One member of Gram *Panchayat*, one member from Antodaya family; one women either from Mahila Mandal or otherwise will also be nominated members of the Body.

- vi) Meetings : There will be two meetings of the General House and four of the Executive Body in a year. DFO will convene the meeting with President of the Executive Body of VFDC and the Range Officer concerned twice in a year to review the progress of the work. Quorum will be 50% for these meetings.

- vii) Registration : VFDC will normally be registered by the territorial Committee, Divisional Forest Officer.

- viii) Management Plan : The Range Office concerned will prepare Integrated Resource Management Plan with the help of Executive Body which will be discussed with General House of VFDC and finally approved by the DFO.

- ix) Duties of VFDC : To persuade the villagers to give the available areas for plantation. To assist the Forest Department in planning, protection, afforestation, judicious use of all existing rights and equitable sharing of usufruct and eco-development of the area as per approved management plan.

- x) Responsibilities : It will be the responsibility of the committee i) to ensure just and fair distribution of the usufruct derived; 2) to ensure its management as per prescribed norm; 3) settlement of disputes between villages; 4) honour all the commitments.

- xi) Power of the Committee : The committee will make its own bye-laws with the concurrence of concerned DFO.

The committee can recommend punishment to offenders including cancellation of membership and forfeit of their share in usufruct to the DFO concerned.

- xii) Duties and Responsibilities of Forest Department : To explain Joint Management of Plan to the villagers. To recognise the VFDC in letter and spirit and give weightage to its recommendations. To provide technical know-how, administrative and managerial skills; in order to assist the Executive Body to carry out the responsibilities.
- xiii) Power of the Forest Department : Membership of any individual from the General House/ Executive Body can be dissolved by the General House in consultation with the DFO. DFO can dissolve the Executive Body if it fails to fulfil its duties and responsibilities.
- xiv) Dispute Arbitration Agreement : Appeal of the Termination of aggrieved/Executive Body will lie with the Conservator of Forests who will communicate his decision within a month's time and will be final.
- xv) Usufruct sharing : The entire quantity of usufruct will be distributed to the villagers under the supervision of Forest Guard (Member Secretary). Twenty-five per cent of the net sale proceeds of final harvests will be given to the VFDC out of the plantations/coppice so raised and kept in a common fund of the committee known as Village Development Fund which can be utilised for village development works with the approval of General House and in consultation with the concerned DFO. The exercise of other rights viz., timber, fuelwood etc. will be exercisable as per provisions of Settlements.

P. T. Wangdi
FC-cum-Secretary (Forests) to the
Government of H. P.

No. Forest (C)3-4/80-V

Dt. Shimla-2, the. 12.5.1993.

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Annex 10

In Service Training for Indian Forest Service Officers

The IFS Cadre is managed by the Ministry of Environment and Forests, Government of India. Since the mid 80s, officers in IFS are given in-service training as in the case of the other two All India Services, viz. the Indian Administrative Service and the Indian Police Service. Each batch of trainees consists of about 25 officers, with vertical integration, candidates being drawn from all ranks, Principal Chief Conservator of Forests down to Assistant Conservators of Forests. It is in-house training, with residential accommodation. The entire cost of training, including travelling, is met by the Government of India.

All the training courses are of five days duration (Monday to Friday) except for the computer courses which are of three weeks duration. Training is provided every year to every officer except that if an officer attends a computer course, he/she is not deputed for training for two years thereafter.

The subjects in which training courses are conducted presently are as follows:

- 1 Computers
- 2 Project identification, Formulation, Monitoring and Appraisal
- 3 PFM/JFM
- 4 Forest Tribal Interface
- 5 Training of Trainers
- 6 Wildlife Management
- 7 Conservation Biology
- 8 Forestry in Rural Development
- 9 Gender Issues in Forestry
- 10 Financial Management, Project Finances
- 11 Coastal Zone Management
- 12 Forestry Extension
- 13 Forest Management - New Challenges
- 14 Sustainable Development vis-à-vis Forestry
- 15 Management of Change in Natural Resource Use
- 16 Participatory Rural Appraisal
- 17 Communication and Presentation Skills
- 18 Agroforestry
- 19 Management in Government/Management for Excellence
- 20 Human Resource Development
- 21 Environmental Education and Awareness
- 22 Remote Sensing
- 23 Forestry Management and Administration

As regards career planning, so far it has been limited to exposing every officer to every discipline. The Ministry tries to ensure that an officer does not attend two courses of similar nature during his career. The Ministry is now trying to develop a data base with regard to the choice options of various officers, so that they can be offered opportunities for career development along their chosen lines. The Institutes selected by the Ministry for training of IFS Officers are listed below.

LIST OF TRAINING INSTITUTES (proposed for training)

- 1 Administrative Staff College of India, Hyderabad
- 2 Indian Institute of Management, Calcutta
- 3 Indian Institute of Management, Bangalore
- 4 Indian Institute of Management, Lucknow
- 5 Indian Institute of Management, Ahmedabad
- 6 Uttar Pradesh Administrative Academy, Nainital
- 7 Tata Energy Research Institute, New Delhi
- 8 CMC Ltd, New Delhi
- 9 Indian Institute of Forest Management, Bhopal
- 10 Tata Institute of Public Administration, New Delhi
- 11 Indian Institute of Social Sciences, Bombay
- 12 Wild Life Institute of India, Dehradun
- 13 Assam Administrative Staff College, Guwahati
- 14 Institute of Financial Management and Research, Madras
- 15 National Institute of Rural Development, Hyderabad
- 16 Institute of Management in Government, Cochin
- 17 National Institute of Bank Management, Pune
- 18 Indian Institute of Bio-Social Research and Development, Calcutta
- 19 Administrative Training Institute, Mysore
- 20 Sardar Vallabhbhai Patel National Police Academy, Hyderabad
- 21 Centre for Ecological Sciences, Indian Institute of Science, Bangalore
- 22 National Institute of Oceanography, Goa
- 23 Indira Gandhi National Forest Academy, Dehra Dun
- 24 Baif Development Research Foundation, Pune
- 25 Vaikunth Mehta Institute of Cooperative Management, Pune
- 26 Forest Survey of India, Dehradun
- 27 Centre of Science for Villages, Wardha
- 28 Centre for Cross Cultural Communication, New Delhi
- 29 Centre for Environment Education, Ahmedabad
- 30 Xavier Institute of Management, Bhubaneshwar
- 31 Society for Rural Industrialisation, Bariatu, Ranchi
- 32 Institute of Public Enterprise, Hyderabad
- 33 Indian Institute of Technology, New Delhi
- 34 LBS National Academy of Administration Mussoorie
- 35 Kerala Forest Research Institute, Peechi, Thrissoor, Kerala
- 36 Haryana Institute of Public Administration, Chandigarh
- 37 HCM Rajasthan State Institute of Public Administration, Jaipur
- 38 Indian Council of Forestry Research and Education, Dehradun

Every year two or three institutes are added to the list, occasionally a few institutes are deleted from the list for want of a positive response or negative feedback received from the trainees' assessment.

Annex 11

Renewed Efforts to Decentralise Forest Management through PFM in Kullu and Mandi Circles

1 INTIATION OF PFM IN KULLU CIRCLE

1.1 Review Workshops

Within a year of issuance of an enabling Government Order on PFM in May, 1993, review workshops were held in different forest circles to assess the reaction of various stakeholders concerned with forest management. Foresters of all ranks (from CF down to FG), NGOs, local leaders, representatives of *gram panchayats*, *mahila mandals*, *yuvak mandals*, and other community based organisations and other line departments participated in the workshops. The main objective was to check any undesirable spread of PFM so as not to dilute the quality of the concept (Sood MP, IIED, UK, 1996). A message was sent that since no activity targets are attached to the approach, social and equity issues should be given appropriate attention and PFM should not be taken as just another government scheme or project.

1.2 Kullu and Mandi Forest Circles and the Role of the ODA (DFID) Assisted Project

Kullu and Mandi forest circles have altogether a different responsibility as far as PFM is concerned. In these two circles, PFM is being initiated in an organised manner through an ODA (now DFID) assisted HP Forestry Project. The project, through its eight outputs, aimed to "establish the viability and cost effectiveness of new approaches to sustainable forest land management including Participatory Forest Management (PFM) in Kullu and Mandi circles and their replicability elsewhere in HP". Four outputs were directed towards building and enhancing the capacities of the Forest Department and local communities to respond to, and test and develop, participatory approaches in 20 locations. A broad milestone was to have 20 active village groups implementing respective PFM plans prepared after following a process approach during the three-year pilot phase (September 1994-1997). PFM here is essentially seen as an approach to open communication channels across services within FD, between FD and village groups, and amongst villagers on issues pertaining to forest management on lands which are near to villages and which are used frequently by villagers.

1.3 JFPM Support Team - An Organizational Innovation

Two Joint Forest Management Support Teams (PFMSTs) of four members each (1 DFO, 1 ACF, 2 RFOs) were created in each of the two circles. The rationale behind this decision was that territorial staff have many responsibilities and duties, and VFDC formation and micro-planning initially does require a lot of time and work. Since this was a new idea in its present form, a special team was needed to give the necessary push to enable the idea to take off and

facilitate the development of various processes in a cautious and effective manner. These teams undertook the following activities.

- Planning through annual PFM Action Plans
- Capacity building and reorientation of field staff and local people
- Training in necessary skills for PFM (communication and PRAs)
- Coordination and facilitation of field and village-level PFM exercises and support for conflict resolution
- Development of representative VFDCs and quality micro-plans
- Development and initiation of a PFM monitoring system for local process monitoring of PFM
- Acting as channel of communication, feedback, and mutual sharing of learning between various DFOs within circles and between two project circles, with Training Schools and with HQ
- Liaison with local NGOs and CBOs
- Documentation of various processes related to PFM and production of Training and Extension material
- Preparation of Operational Guidelines for PFM implementation.

The idea of imparting *in situ* training to officers and field staff on participatory approaches and further facilitation in micro-planning and group formation processes has worked well compared to the alternative option of imparting training in centralised schools and seeking help from outside NGOs. Now the department does have in-house capacity to undertake training in participatory approaches. The structure of PFMST offers another advantage in working as a team, instead of the conventional nomenclature of a division, as all the members could take up responsibilities depending upon their respective strengths and weaknesses and made use of the flexibility which is inbuilt in such team structures (Sood 1997).

These teams only played a facilitating role in the whole process and provided initial fillip, follow up guidance, and advice while the primary responsibility rested with the territorial units for planning and implementation of micro-plans including interaction with the VFDCs. This was done after learning from social forestry (SF) experiences where the idea of a separate SF structure hindered internalisation of SF philosophy within the territorial lines after termination of the project.

1.4 Annual PFM Action Plans

At the beginning of each year, the PFMST conducted and facilitated a 2-day circle-level workshop and territorial DFOs presented case studies and experiences of visits to various villages, which they specifically visited for the purpose. Based on discussions on selection criteria and after two days of reorientation for PFM, Parvati Forest Division was selected to be the first division for PFM initiation. The territorial officers and key field staff along with JFPMST then jointly devised an Action Plan for initiating and implementing PFM in each division, which formed the basic framework for the JFPMST to operate in territorial divisions and undertake agreed activities through the territorial staff. The PFM policy was discussed and its field implications were studied in view of existing legislations and forest settlement. The participants also discussed various criteria which could guide the selection of initial pilot locations for initiating PFM.

2 CAPACITY BUILDING AND REORIENTATION PROGRAMME (CBRP)

2.1 For Field Staff

The underlying aim and main emphasis was on initiating and bringing about an institutional change in thinking and practice within the DFFC and amongst villagers so that they understand and accept the need for participatory management of forest land resources. Therefore, capacity building and training were given priority. The core group of trainers in PFMSTs, the Training Schools, and in territorial positions was created through planned in-country and overseas' training courses. The CBRP was delivered mainly through training workshops and exposure visits.

2.1.1 Training Workshops

Field level training was carried out through a series of participatory training workshops conducted and facilitated by JFPMSTs with the twin objectives of reorientation and sensitisation and skill training of staff so that they are able to understand, accept the need for, and practice joint planning and management of forest land resources. JFPMST imparted training on different aspects of PFM through a variety of techniques. For most field staff, this was their maiden exposure to any training after pre or in-service foundation courses. Therefore, the lectures were cut to a minimum and workshop deliberations were mainly through team discussions and presentations, role plays, case studies, and other group and field exercises. The *in situ* training has proved to be an effective way of imparting skills to initiate PFM as participants felt relaxed and each workshop resulted in jointly devising an Action Plan for PFM. Subsequent workshops were facilitated with changed training objectives of monitoring and post-formation support issues.

Table A1 illustrates the different level of workshops facilitated by the PFM Support Team Kullu in each division during the initial two years

All the RFOs, DRs, and FGs working in 12 ranges of three divisions of Kullu Forest Circle have been exposed to and have received basic training in participatory approaches through these workshops. However, due to careful development of processes in a limited number of pilot locations, very few field staff have had the opportunity to put these skills into practice. In all about 400-450 foresters have had some kind of exposure to participatory approaches in the state. Thus, there is a pool of staff with latent skills who, with the requisite support from senior staff in the range or division, will be able to initiate, spread, and support PFM activities in and outside these pilot locations. A 30-month (October 1997 to March 2000) plan has been prepared to provide them with an opportunity to carry forward the process of internalisation and spread of PFM approaches in their day to day working (DFFC-DFID 1997).

2.1.2 Staff Study Tours and Attachments

Staff Study Tours and Attachments were the other means of sensitising and exposing staff to participatory forest management approaches. About twenty such study tours and attachments have so far been organised for vertically integrated teams comprising 6-8 foresters of various ranks. This enabled them to get first hand interactive experience of PFM working in West Bengal, Gujarat, Madhya Pradesh, Orissa, and Karnataka. The tours were organised to places with PFM in different stages of its development so that the field staff could get an opportunity to

Table A1

Workshop	Participants	Objectives	Output
Circle level (2 days)	CF/DFOs/ACFs key RFOs	<ul style="list-style-type: none"> * Discuss aim and methodologies * Devise a Plan of Action for JFPM 	Plan of Action for JFPM
Divisional level (2 days)	DFOs/ACFs/ROs key DRs and FGs	<ul style="list-style-type: none"> * Understand and accept the need for JFPM * Select Pilot Ranges and devise divisional plans 	Divisional Action Plan for initiating JFPM
Range level (2 days)	RFOs/DRs/FGs of selected ranges	<ul style="list-style-type: none"> * To bring together ecological, social and economic information about the range * Understand what type of information is needed to practice JFPM * Help FGs design Beat profiles 	Selection of pilot beats and villages
Beat level (7-8 days)	RFOs/DRs/FGs of selected ranges	<ul style="list-style-type: none"> * To acquire necessary skills * To practice PRAs and communication skills * Acquire micro-planning skills * Devise guidelines on approaches 	Finalisation of pilot villages. Agreed guidelines for PFM

Source: Progress in PFM initiation in Kullu Circle - JFPMST Kullu

visualise their own role in this new management paradigm. The participants became more confident in finding solutions to various situations while forming VFDCs and preparing micro-plans.

2.2 Villagers' Reorientation Programme

After a minimum number of staff was sensitised and reoriented for initiating PFM, a supporting villagers' reorientation programme was also undertaken through the following.

Local leaders workshops were organised for village-level leaders, representatives of *panchayats* and other village-level organisations and village elders in an effort to raise awareness about PFM policy, build relationships, and muster support for PFM in Kullu valley (JFPMST Document No 8). This helped in averting possible conflicts between VFDCs and *panchayati raj* institutions. The initiatives of informal jungle and *gram* committees were identified and their existence acknowledged.

In addition, some local extension material was produced which included printing of pamphlets, leaflets, and user information on PFM policy in Hindi.

Open days were organised for students in rural schools in which 'on the spot painting', debate competition, and 'slogan writing competitions' were conducted on the PFM theme and philosophy to create an awareness amongst the future actors.

3 METHODOLOGY FOR PFM

3.1 Process Followed in Kullu Circle

Once the annual Action Plan for PFM for the circle was finalised, the JFPM Support Team undertook an intensive training programme for the selected divisions and ranges in participatory approaches (as shown in Table A1 above). The workshops, besides training and reorientation, helped in devising a mutually agreed joint strategy and approach for initiating PFM in pilot locations. The 8-10 day beat-level workshop included classroom theoretical sessions and field practice of participatory rural appraisal (PRA) and communication skills in selected villages. All the decisions pertaining to PFM were taken through the forum of these participatory workshops and, therefore, the field staff could relate to them and also owned the responsibilities. Emphasis was laid on the quality aspect of VFDC formation and micro-planning with special focus on equity, gender participation, and taking care of interests of marginalised groups like basket makers, artisans, and herb collectors.

3.2 Criteria for Selecting Initial Pilot Locations

The field staff and JFPMST together worked out a list of criteria which could guide the selection of initial pilot locations, and some of these were used too for deciding PFM working areas. But it should not be thought that one cannot start practising PFM until all these criteria are met. As experience from different locations later on showed, it always helps if a few critical points are considered before selecting a PFM working area, e.g., attitude and interest of staff, dependence of people on forest products, scarcity of forest products, existence of evidence of collective action like MMs, YMs, or other committees or traditions like *juari* (sharing labour), and lesser degree of conflicts amongst local people. But one can always initiate a process of dialogue in any situation without worrying too much about such criteria.

It might appear that these criteria led to the selection of locations and villages which pose few problems and are easy to work with. But in reality, all of the first ten locations in Kullu posed different sets of problems in terms of socioeconomic conditions, societal heterogeneity, forest boundaries, and forest farming linkages. The scaling up activities planned for the next three years (1997-2000) will neutralise any selection bias too.

3.3 Process Guidelines for Preparing Micro-plans and Forming VFDCs

The PFM processes were tested, developed and again field-tested during the first year in 1994-95 in four locations which were representative of Kullu Valley. These were then further improved by the JFPM Support Team Kullu as they gained experience by working on more locations during the subsequent two years. The Team then brought out a comprehensive set of Operational Guidelines for replication and spread of PFM approaches beyond the limited pilot locations, both within and outside the circle.

Table A2 illustrates the process of VFDC formation and micro-planning as being practised in Kullu circle (Sood, M.P, 1996 and DFFC, Kullu, 1997).

The JFPMST kept improving these guidelines as the field staff gained experience by working in the pilot locations. Even these are expected to see more changes as further learning from maturing VFDCs and local planning processes emerge.

Table A2

Step/ Activity	Methodology/ Tool
1 Selection of working area	<ol style="list-style-type: none"> 1 Identify forests and hamlets provisionally using access map. 2 Identify key informants. 3 Identify users and focus groups.
2 Sensitisation (own and of people)	<ol style="list-style-type: none"> 1 Use training workshops, exposure visits and range meetings for self training, reorientation and acquiring skills. 2 Use transactional analysis (PAC and strokes), motivation, communication and PRA techniques for peoples' sensitisation.
3 Information collection and joint analysis with people with the objectives of preparing a micro plan and VFDC formation	<ol style="list-style-type: none"> 1 Collect existing information from CHF's, settlement report, range and other records. 2 For primary information, use social and resource map. 3 List all households and members for GH. 4 Explore use-pattern by preparing access map. 5 List major issues, problems and needs. 6 Analyse problems (problem tree) to find cause and effects by using seasonality, transects. 7 Find options (objective tree) for solutions. 8 Try to reach a consensus on each issue. 9 Also note down suggestions on local rules and bye-laws, roles and responsibilities.
4 Drafting of micro-plan after all information has been collected and everybody's viewpoint has been considered (for use in General House of villages)	<ol style="list-style-type: none"> 1 Start developing the micro plan in consultation with people by analysing and interpreting information collected so far. 2 Conduct meetings with focus groups for information gaps (use PRA skills). 3 Always triangulate facts. 4 Be sure that all categories of users have been consulted. 5 Involve VFDC members in drafting the micro plan using all local material — the various maps and other charts should always be referred to while preparing the plan.
5 Group formation (VFDC) Conditions for calling a general house meeting: when enough information has been gathered and a tentative micro-plan has been loosely written; when each and every group/ household has been consulted and their point of view included in the rough micro plan; If there is full quorum; and if there is consensus on issues, options,	<ol style="list-style-type: none"> 1 Call a General House meeting of all hamlets and ensure participation of women, more poor, focus groups and members of other Village Level Institutions. 2 Giving background, read out the draft micro plan in Hindi and local language. 3 Allow discussions to take place on each issue and option. 4 Finalise local rules and bye-laws; roles, responsibilities and duties of VFDC and dept. for each activity. 5 Note down everything in proceedings' register.

Table A2 (Con'td)

Step/ Activity	Methodology/ Tool
activities, roles, responsibilities and duties	6 Facilitate in defining (clearly) sharing arrangements for expected forest products. 7 Modify micro-plan as suggested by people. 8 If micro-plan is approved, form a VFDC. 9 Encourage them to choose their representatives to Executive Body, give due representation to all sections and groups (gender, user, caste and poor).
6 Finalisation of micro-plan writing and approval by DFO	1 Write up the micro-plan with the EB of VFDC. 2 Include baseline monitoring indicators. 3 Approve and agree to micro-plan prescriptions and practices (DFC's approval).
7 Implementation	1 Plan out activities. 2 Ensure budgetary support to activities (SSPs). 3 Implement as per micro-plan, get the deviation, if any, approved by VFDC's general house.
8 Monitoring	1 Initiate monitoring process through a monitoring system which has been developed jointly by the local people, territorial staff and PFMST.

4 PROCESS APPROACH TO GROUP FORMATION AND MICRO-PLANNING

Following the process of VFDC formation and micro-planning, 15 VFDCs have so far been developed in three territorial divisions of Kullu Forest Circle and seven micro-plans, covering the area of these 15 VFDCs, prepared by the VFDCs and front line staff. The following case study of Bhullang VFDC by (Sood, MP, 1996) will further illustrate the development of PFM processes.

4.1 Case Study of Bhullang VFDC

The villages in Bhullang VFDC cover most part of Bhullang *Panchayat* and are located in Bhullang Phati and Khokhan Kothi. From the forest administration point of view, Bhullang Beat, Bhuntar Block, Bhuntar Forest Range of Parvati Forest Division are responsible for managing forests around this VFDC.

4.2 Selection

The area was first visited by concerned ACF, RFO, BO and FG in January 1995 and subsequently by CF and ACF JFPMST in February, and during Circle level Workshop this was finally selected as the first location in Kullu circle to initiate PFM in its present form.

4.3 Reorientation

The JFPMST conducted and facilitated reorientation and training workshops and provided on the spot training to field staff in policy, implications, information needs and skills like PRA and communication techniques in June-July 1995. (Table A1)

4.4 Initial PRAs

Some of the basic tools of participatory rural appraisal (PRA) like social and resource maps, transects, seasonality and ranking were practised during a Beat-level training workshop and further used in different hamlets between July and August 1995.

4.5 Household Interviews

As per information needs assessed during the Range-level workshop, a proforma was devised to interview households residing in various hamlets of Bhullang area. This 'survey' exercise using semi-structured interviewing techniques helped in building rapport, exchanging and sharing information on PFM policy, knowing peoples' point of view on what should be the management unit (which hamlets) and management boundary (which forests), their perception about forest management, and listing of emerging forest-related issues for further investigation.

4.6 Ice Breaking through Initial Activities

Initially people were not very forthcoming and were reluctant, but, as the dialogue progressed, people became more interactive. The local forest guard, in fact, had already negotiated with the communities to give up occupations like head loading of firewood from the forests to the urban markets in the valley and helped them take up tomato and vegetable cultivation by providing them access to technology and markets. But still local residents were not very optimistic about the foresters' sincerity as past forest committees formed by them under social forestry had not functioned properly and did not exist any more. Their immediate concern was to protect the adjoining Class III lands from encroachment by some influential individuals. In an effort to win over their trust and confidence, the RFO negotiated planting of that particular part of Khokhan UPF with oak and robinia species providing leaf fodder during monsoons and scarce winter months. For this he arranged 7,000 oak seedlings from a distant nursery. The oaks are a critical component of the hill farming system in this ecological zone, and these had become degraded due to overuse, thus villagers responded positively to this FD initiative and shared responsibilities for making that plantation a success. The successful establishment of this plantation, and the way it was negotiated with the primary users of that particular area, brought back peoples' faith in foresters and their sincerity for renewed consultations. Encouraged by this, they then laid down a demonstration plot during the 1995 monsoon in another degraded area of Khokhan III UPF for trying improved varieties of grass. This formed the basis for VFDC formation and developing a larger plan for the whole area used by the residents of Phati.

5 SOCIOECONOMIC PROFILE

5.1 Livelihood Pattern

The 12 hamlets of this VFDC have a dominant scheduled caste population but there is a great variation in landholdings. The wealthiest household is that of a Rajput who has 85 bighas, 3-4 have about 15 bighas each, and the remaining households have an average of 5 bighas of land. They thus have varied dependence on forests. People with smaller holdings and orchards depend more on forests. There is a distant user group comprising basket makers, who use cane (nirgal) stems for making baskets (*kiltas*) which they sell to people having orchards in distant locations. However, the species they use is found in distant forests (outside the VFDC's control). The user group of these basket-makers is indispensable to the adjoining farming communities of orchard owners and vegetable growers. Head loading was also frequently practised by the members of this VFDC until a few years back when the FG motivated them to take up vegetable growing. About half a dozen members still resort to this practice in lean farming seasons. Another means of income for some households owning horses is transportation of rations, farming produce, and building material from the road head near Mohal to different hamlets in the VFDC area which are located in the uplands. About a score of households have taken up cultivation of vegetables on leased lands on the valley bed near Mohal, and a similar number do

weaving to supplement their incomes. Women emerge as a strong user group with their separate needs and perception about forest management.

5.2 Firewood

Households with bigger orchards get sufficient firewood from their own lands, but others have to make frequent trips to collect the same from the forests. Women have to spend 7-8 hours to fetch the firewood from a distant sanctuary area and often have conflicts with villagers living around that sanctuary. Storage of firewood and dried grasses in houses make them vulnerable to fires during the winter months.

5.3 Fodder

The local residents have evolved a traditional system of 'caring and sharing' for using the leaf fodder from ban oak trees growing on Class III UPFs which have been divided amongst the households for decades. They practice a 3-year lopping cycle for harvesting leaf fodder, which provides the only green fodder during the scarce winter months. In addition, they resort to a mixed use of Class III lands through open grazing and a 'cut-carry-store-use' system for grasses with mutually agreed upon seasonal restrictions, which are followed by one and all in the VFDC area. The poorer households also enter into a bartering system with wealthier farmers by working for them in their orchards for grass and surplus firewood from lopping (Sood 1996). Women again are the prime users and processors of grasses and leaf fodder and have the main responsibility for grazing and upkeep of livestock.

5.4 Timber

There is an established procedure for management of Timber Distribution (TD) rights, although there is a feeling that the department's efforts to rationalise TD rights have made the procedure cumbersome and everybody does not get the TD with the same ease and effort. Equity in TD rights is one of the issues for which there was an immediate consensus amongst most households that it should be ensured by the VFDC.

5.5 NTFPs

Women and children from a very few families collect and sell mushrooms (*guchhi*) and *shingli mingli* (*Dioscorea spp*) which in a lean farming season becomes the only source of cash inflow along with labour by men of the same households. There is a group of families that use *nirgal* (cane) for basket making for which there is a ready market among orchard owners.

5.6 Existing Village Institutions

There is a strong institution of a *Devtā Committee*, which has survived over the years, though, with a fast diminishing traditional role, if not acceptability, amongst local people. The local deity in Bhullang temple is the presiding deity in the *phati*. Unlike other areas in Kullu, there is no sacred grove attached to the deity but, nevertheless, this still remains the most forceful single binding force. Then there is a *panchayat* for which a *panch* (Member) represents the VFDC villages and the person is also nominated to the Executive body of the VFDC. There are two *mahila mandals* (MM) and a *yuvak mandal* (YM). Women normally participate in the VFDC meetings as MM members thus making it important to recognise this fact and strengthen these organisations.

5.7 Management Unit

During meetings, initially 9 hamlets were included in the VFDC, but as consultations progressed and the respective roles and implications of PFM became more clear, the list expanded to include 12 hamlets in the VFDC which was named Bhullang VFDC. It is best to leave options open till very late in deciding the boundary of a unit. Later on the members themselves opted for smaller sub-units within the VFDC. The most important factor to bear in mind is that all primary users should be part of the consultation and negotiation process so that they do not undo the efforts of the participating community.

Table A3 provides a picture of the different hamlets falling in the four sub-units of the Bhullang VFDC, along with some important information about the hamlets in the VFDC. This was gathered through household interviews and PRA exercises.

5.8 Management Boundary

The discussions on forest use pattern and PRA mapping revealed that residents of this VFDC were primary users of 104 ha of 1/44-Kawaragahar DPF and about 250 ha of Khokhan - III UPF. Tari ra Gran have full rights while residents of Bhullang and Mohal *phati* have all rights except grazing in Bhullang forests. However, in practice, residents of Mohal village use only timber rights in the upland forests. Meetings were held after discussion on the scope of the PFM micro-plan, issues and likely activities, and there was a consensus on including the above-mentioned forests under the purview of the micro-plan. Although the DPF was less degraded than the UPF, people wanted the DPFs to be part of the micro-plan as they planned an active protection strategy for these DPFs especially against fire damage and TD over-use. Thus with an understanding and following the government order on PFM, it was agreed that both the UPF and DPF would be included in the micro-plan, but the use and sharing of products from the latter would be administered by the existing forest settlement.

6 VFDC FORMATION

After frequent meetings with the RFO and the concerned beat guard, respective roles and responsibilities had become clear and people were willing to come forward and work together as a

Table A3

Sub Units	Hamlet in Each Sub-Unit	Total Household	Population	Livestock	Pvt. Lands Bigha
1	1. Tari ra Gran	38	226	225	290
2	2. Bhullang	31	194	144	212
	3. Sua	12	59	83	83
3	4. Chera gran	18	88	104	117
	5. Dodni age	16	98	32	49
	6. Beaseri	9	56	29	42
	7. Sharugran	8	33	10	32
4	8. Raun	4	39	26	39
	9. Kashamblidhar	18	41	28	31
	10. Shilla	5	28	30	82
	11. Chila age	21	106	63	76
	12. Bogi	3	9	3	10
	Total	183	977	777	1063

forest management group, provided their existence was recognised by the department. A general house was held on 15th October 1995 in which each household was represented. The FD was represented by the DFO and RFO besides local staff. The VFDC was formed and an executive of activists was also elected. The DFO then nominated individuals to give representation to women, poorer sections, and village-level organisations like the *mahila mandal*, *yuvak mandal*, and *gram panchayats* to initiate inter-institutional linkages. The executive has 13 members including five women.

6.1 Micro-planning and Approval Process

During detailed PRAs and consultations, another development took place and a joint decision was taken to sub-divide the VFDC area and villages into four sub units. The traditional use of forest land and locally agreed boundaries were the criteria which defined these sub units. The objective of this division was to ease and localise the protection responsibility as the 12 hamlets are spread over a large area. The micro-plan was drafted by the Executive Body and the RFO in December 1995 and it was presented before the General House on Jan 10, 1996. The RFO read out the plan in Hindi before a General House that was also attended by the DFO and the JFPM Support Team members. Women and those in the rear were encouraged by the JFPMST to speak out on issues included in the micro-plan. Certain sections of women wanted some activities to be included in the plan and others to be prioritised. After a lot of discussion and negotiation, a consensus was reached on the first two years' activities.

The PFM micro-plan included

- use-rules (bye-laws) regarding tree forests and grasslands,
- a protection strategy, including vigils, patrols, and a system of local rules and fines,
- plantations in adjoining Class III lands with oaks, robinia, morus, deodar, walnut, etc.,
- a small temporary nursery for supplying seedlings to areas of the VFDC and others,
- a water tank for irrigation of the nursery as well as the fields downstream,
- bush cutting and cleaning in forests as prescribed in the working plan and also to meet the firewood requirement of local residents,
- fire protection measures, e.g., cleaning of fire lines, control burning, fire watchers, and patrols,
- silvi-pastoral planting in UPF of species of local relevance,
- some bio-engineering measures for land and *nalla* stabilisation.

Another important decision, which was mooted, accepted, and is being successfully implemented is the one taken on Timber Distribution rights. The VFDC members felt that all members should get an equal share of their rights and the guilty should be dealt with on equal terms. To bring equity in TD management, the VFDC is assessing the needs of applicants and is also ensuring its stated end use for domestic needs to check that it is being used for the purpose for which it is sanctioned.

The micro-plan was then approved by the DFO and is currently in the 3rd year of its implementation. In addition, to a departmental monitoring and inspection system, the progress is reviewed by the VFDC in its general house meetings, which are held twice a year. Only the general house is empowered to alter or modify the plan.

6.2 Impact

As a result of recognition of their organisation by the Forest Department and subsequent implementation of the micro-plan, the VFDC has felt empowered. Although the VFDC and its activities are still in their infancy, the initial response has been very encouraging. There is a genuine acceptability of the micro-plan, although the executive body (EB) will need to be more accountable to its general house (GH) for more widespread ownership of the micro-plan prescriptions. The VFDC area has some of the best thriving plantations in the region, especially of oaks and robinia. The forest related disputes and offences have been reduced to almost negligible limits. The VFDC has also started monitoring the yield of cut grasses from planted areas by maintaining its own register. They have been able to assert their existence over other distant users from the valley bed who now have to seek the VFDC's permission for their timber rights as the VFDC is protecting their forests as well. The VFDC has starting negotiating with other village organisations and individuals from outside villages and have confronted them and dealt firmly when they tried to 'free ride' on its assets, the grass production areas. One of the indicators strongly displayed by the VFDC in owning the forests is an instance when the VFDC even took local foresters to task when they legally felled deodar trees for the construction of a fire watchtower without its permission.

The meeting structure of the VFDC has allowed continuation of the dialogue between forest staff and the VFDC. On average two GH and 10-12 EB meetings are held every year which are attended by the RFO and FG respectively, mostly in the temple complex. The traditional fear of the foresters has been converted into a relationship built on a shared perception and programme for forest development. With growing influence of the VFDC, the RFO and his staff members will need support and skills to define their relationship vis-a-vis other village institutions, especially the *gram panchayats*, and at the same time become a conduit for their communication with other development departments. The RFO and local FG have been able to handle the pressure arising out of role conflict and in fact feel relieved now. The protection responsibility of the FG has been shared considerably by the VFDC as the Bhullang VFDC covers all the villages in his beat.

7 VFDCS FORMED AND MICRO-PLAN DEVELOPED SO FAR

The milestones for PFM were kept on the lower side to enable field staff to develop the processes carefully and without rushing through the process. Since these initial VFDCs were to form future learning ground, due emphasis was laid on quality. No guidance was given based on experiences in other states or countries, instead the field staff were encouraged and supported by the JFPMST to respond differently to different field situations and let the process evolve on its own. Not even one format was prescribed initially.

7.1 Contents of a Micro-Plan

The micro-plans prepared jointly by these VFDCs and respective RFOs include the following activities.

- Natural regeneration
- Artificial regeneration including enrichment planting
- Subsidiary silvicultural operations like cleaning and bush cutting
- Fire protection measures including maintenance of fire lines, bush cutting, watchers and community patrol and vigil
- Minor soil and moisture conservation activities including bio-engineering measures
- Grassland development including new varieties

- Initiating some demonstrations
- Repair of small foot bridges and bridle paths to ensure easy access for undertaking effective patrolling
- Small temporary nurseries for supplying planting stock to nearby areas

On the villagers' request, some non-forestry activities were also listed and local foresters and DFOs are taking up the issues with their counterparts in other departments to pursue them to their logical conclusion.

7.2 Strength of PFM

One of the most innovative features of these micro-plans is the development of use rules and by-laws—including a system of local fines for the active involvement of all members in micro-plan implementation. This system of devolved powers, though informal, has been very effective in bringing down the number of forest-related offences and disputes related to use of forest products. The implementation of these rules has also initiated a system of equitable sharing of products and responsibilities and has helped in offsetting professional biases. Another feature of these local rules and byelaws has been the diversity in their nature. VFDCs have the tendency to redefine the forest offences (as compared to their definition in forest acts). Each village group (VFDC) has its own definition of a forest offence and differing systems of fines and sanctions for different infringements. They vary from village to village depending on how much value different communities attach to various forest products and the protection efforts put in by them.

8 MONITORING PFM AND ITS IMPACT

After PFM had been initiated in a few locations, a need was immediately felt to develop a monitoring system, which could decentralise the monitoring process to front line staff and VFDCs. A series of workshops were facilitated with VFDC members, other local residents, territorial staff (from DFOs down to FGs), members of JFPMSTs, and outside facilitators. The different stakeholders brought out a list of various issues related to PFM or which could be impacted by PFM. The indicators for each issue were also listed through participatory discussions. A special focus has been laid on documenting all the processes initiated by the PFM approach and training is focussed on this aspect too.

The following issues are currently used by field staff (Source: Working Document No. 8 from JFPMST Kullu)

8.1 Issues

- Change in thinking and attitude of people
- Condition of forests
- Strong, cohesive and lasting committee
- Development of collaborative systems between VFDC and Department
- Change in thinking and attitude of forest officials
- Day to day requirements

8.2 Monitoring Tools¹

The following tools and methods are being put to use to monitor all the processes—including functioning of VFDC by the VFDC and the Forest Guard.

Monitoring Register (MR) to keep a record of forest offences, forest-related conflicts, and timber distribution rights.

Proceedings' Register (PR) to keep a record of all VFDC meetings, agendas, decisions, and decision-making processes' participation patterns.

The MR and PR are being maintained by FGs initially, but as VFDCs gain confidence, their members will be encouraged and trained by the FG and other trainers to maintain VFDC records to reduce their dependence on the department.

In addition to the above two registers, RFOs have been trained to document and maintain discussion notes of their meetings and dialogue with communities.

A Range PFM Discussion Register and Community PFM Discussion Register have also been started by some VFDCs and RFOs to document comments and observations of all touring forest officers.

A Circle-level Working Group on PFM has also been constituted under the chairmanship of the Conservator of Forests Kullu with DFOs, ACFs, JFPMST members, HQ staff, and members of local NGOs. It meets every three months. The forum has been utilised to discuss experiences and improve the approach by incorporating learning from field experiences. The list of PFM activities from VFDC areas are also framed in the form of an Annual Plan of Operations for demanding the corresponding budget from headquarters. The training needs and relevant training strategy are also devised in the meeting of this working group. Decisions are taken and conveyed to field units on issues emerging from PFM experiences and some of the issues are referred to the top for a decision. Considering its usefulness and importance, it is proposed to enlarge its membership base to include community representatives and some officials from relevant line departments.

9 INITIAL BREAKTHROUGH

With the support from the JFPM Support Teams, significant progress has been made in Kullu circle in the development of a process for implementation of PFM approaches. These are

- formation and development of team skills of the JFPM Support Teams and development of their working relationship with territorial units,
- development of a 'deep' participatory training process involving circle staff and its documentation to allow others to use it and conduct their own training programmes including training schools - a step towards internalisation of the PFM processes,
- development of a pool of trained field staff with latent capacity to act as local resource persons and practise participatory forestry if given the requisite mandate and support,
- development of a process of VFDC formation and micro-planning,
- development of a process with a simple format for preparing village-level micro-plans, and
- development of vibrant demonstrative VFDCs and micro-plan areas.

10 SOME EMERGING ISSUES

Before building opinion on the development of the HP PFM programme, it is worth taking note that the progress in PFM has not been consistent in non-project districts where the planning and management, barring a few schemes, remains non consultative. Due to lack of enough focus and absence of appropriate monitoring, foresters have neither been able to recognise the need for PFM

nor been able to respond to communities' initiatives, although the Government Order applies to the whole of the state. But now, with the government emphasising group formation and micro-planning for an increasing number of schemes, it is hoped that foresters in the field will at least give PFM a try and start the learning process. They will, however, need a lot of training and administrative support to be able to spread the consultative approach across their working environment.

Even in areas with a clear focus on PFM through the project agency, the mid senior foresters at district level have not been able to recognise the local rules and VFDC bye-laws as the existing forest acts do not provide for such a transfer of power and authority to village groups, and there is a feeling that the mandate provided by such acts and procedures is not conducive to collaborative management.

Although 20-30 locations are too limited an experience to come to any final conclusion, some of the emerging issues which might have long term implications for PFM in Himachal Pradesh are discussed in Box A1.

Box A1 **Emerging issues**

The Government Order (GO) needs modification

- to ensure that different institutional arrangements for forest management are allowable including formalisation of existing informal structures without changing them to VFDCs
- to provide more flexibility in terms of defining the unit of a VFDC and its membership
- to allow inclusion of non-degraded forests for 'protection' purposes in the micro-plans
- to suggest innovative quorums for village meetings to ensure participation of all sections of people, especially women

There is a need

- to follow the GO with comprehensive guidelines on PFM with a user friendly style and layout to enable field staff and community members to take decisions and follow state and national policies with a shared vision and understanding,
- to clarify the legal status of the VFDCs especially their authority to enforce local rules and bye-laws (which have been an innovative feature of the whole PFM approach) and their interaction with other village-level organisations,
- to evolve a supportive budgetary and approval system for funding and facilitating implementation of diverse activities brought out by the micro-plans,
- to internalise PFM processes within the territorial working of the department and reduce their dependence on JFPM Support Teams by modifying their job descriptions and performance appraisal methods,
- to prepare a strategy for post-formation support to VFDCs and field staff and continue the capacity building programme,
- to initiate a capacity building programme for VFDC members to enable them to perform the expected roles with the objective of reduced dependence on the department and to save foresters' time,
- to recognise women as a special focus group and strengthen their organisations
- to develop a strategy that enables and binds field foresters in non project areas to respond positively to genuine community initiatives for management partnership.

11 CONCLUSIONS

The solid and encouraging start made on the GoHP's Order on PFM (1993) together with the Forest Settlements of late last and early this century now provide a renewed opportunity to foresters and communities to build on this learning process and spread the participatory approaches to all areas where there are conflicting situations that demand consultative and interactive solutions. Poorer, marginalised groups and often ignored individuals can re-assert their rights through these VFDCs, which have the widest membership base of any village-based organisation. The experiment has proved that stake and authority in joint decision-making and in exercising local control over use rights for equity can motivate people even without providing immediate material or economic benefits. There is no dearth of community response to genuine initiatives. The foresters should capitalise on the skills acquired by them and the mandate provided by the government to establish effective and viable partnerships with local communities. A complimentary training and capacity building programme is already in place. Much, however, will depend on the strategic support they receive in terms of policy, budget, training, guidelines, incentives, and appreciation of their 'new jobs and performance', as also on forestry organisations' abilities to provide flexibility and space for such approaches to evolve and continue growing and to provide solutions to conflicting management issues, both ecological and social.

There is nothing wrong with the concept and philosophy of the PFM approach, but any approach is only as good as its practitioners.

A second series of participatory training workshops was held at range beat and village-level for selection of five new locations and the PFM process was initiated during 1996-97. As a result of these Range and Beat level workshops six more pilot locations were selected.

- Govertha in Baldwara range
- Chachyot in Nachan range
- Thalli in Karsog range
- Gulana in LadhBharol range
- Hiun in Urla range
- Nagan in Sadar range.

Micro-plans for Govertha, Thalli Hiun, and Gulana have been discussed in the general house of the VFDC and approved by the VFDC and DFO. The implementation process for these micro-plans has started. Draft micro-plans for Nagan and Chachyot have been prepared and discussed with villagers. Some advance work mentioned by villagers in Chachyot to be included in the micro-plan has been undertaken by the department.

So far 21 pilot locations have been selected after a consultation process with staff and local people. In 11 pilot locations, micro-plans are in operation and in the remaining locations draft micro-plans have been prepared.

Annex 12

Minor Forest Produce Exploitation and Export Acts of Mandi (1937) and Chamba (1943)

These acts are the only legislation that govern the exploitation and export of Minor Forest Products, now called non-timber forest products (NTFPs), in the state. Though this legislation was made by the erstwhile princely states of Chamba and Mandi, the exploitation and export of NTFPs in other parts of the State are being managed under the provisions of these two acts. Rules under the Chamba Act were framed in 1947.

The provisions of these two acts are woefully inadequate to deal with the issue of NTFPs. The local people have rights and concessions to collect NTFPs granted under the forest settlements. As the issue of collective collection, processing, and trade of NTFPs is important for the PFM strategy, comprehensive legislation on all these aspects is required.