

PROVISIONS RELATING TO COMMUNITY FORESTRY
Forest Act, 1993, HMG/Nepal

(Section) (Provision)

25. Handover of Community Forests

- 1 The District Forest Officer may hand over any part of a national forest in the prescribed manner entitling it to develop, conserve, use and manage such forest, and sell and distribute the forest products by independently fixing their prices, according to an operational plan. While so handing over a community forest, the District Forest Officer shall issue a certificate thereof.
- 2 For the purpose of Sub-Section (1), the District Forest Officer may mobilise users and form users' groups in the prescribed manner, and provide technical and other assistance to formulate operational plans.

26. Amendment in Operational Plans

- 1 The users' group may make timely amendments according to need in the operational plans relating to the management of community forest, and must inform the District Forest Officer accordingly.
- 2 In case any amendments, made in the operational plan by the users' group under Sub-Section (1), is considered likely to adversely affect the environment in a significant manner, the District Forest Officer may direct the users' group not to implement concerned amendment within 30 days from the date when he receives such information. It shall be the duty of the users' group to comply with such directives.

27. Resumption of Community Forests

- 1 In case a users' group is unable to work according to the operational plan, in any community forest handed over to it under Section 25, or takes any action which affects the environment significantly or fails to comply with the conditions to be complied with under this act or the rules framed hereunder, the District Forest Officer may cancel the registration of such users' group and decide to resume the community forest in the prescribed manner.
Provided that before taking a decision to cancel the registration of a users' group in this manner and resume the community forest, such users' group shall be given an opportunity to state its case.
2. Any users' group which is not satisfied with the decision taken by the District Forest Officer under Sub-Section (1) may complain to the Regional Forest Director in the prescribed manner. The decision taken by the Regional Forest Director on such complaints shall be final.

28. Community Forests May Again Be Handed Over

In case the decision with respect to any community forest which has been resumed under Sub-Section (1) of Section 27 is rescinded under Sub-Section (2) of the same Section, the District Forest Officer must again hand it over to the concerned users' group. In case the decision is endorsed, the district forest officer must fulfill the procedure mentioned in Section 25 and form another users' group and hand over the community forest to it.

29. Punishment to Persons Working Contrary to the Operational Plan

In case any user does anything opposed to the operational plan with respect to any community forest, the concerned users' group may inflict an appropriate punishment on him; and, in case there has been any loss or damage, also recover the amount of such loss or damage from him.

30. Priority to Community Forests

Notwithstanding anything contained elsewhere in this act, no part of any national forest, which is suitable for being handed over to a users' group in the form of a community forest, shall be given away in the form of a leasehold forest.

PROVISIONS RELATING TO FORMATION OF USERS' GROUP

Forest Act 1993, HMG/Nepal

(Section) (Provision)

4.1 Formation of Users' Groups

The concerned users of a forest desirous of developing and conserving it and using the forest products for collective benefit may form a users' group in the prescribed manner.

4.2 Registration of Users' Group

- 1 For the registration of a users' group formed under Section 41, an application must be submitted in the District Forest Officer in the prescribed form along with its constitution.
- 2 In case an application is received under Sub-Section (1), the District Forest Officer shall conduct necessary investigation, register the users' group in the prescribed manner and issue a certificate of registration in the prescribed form.
- 3 The users' group managing community forests in accordance with operational plans under the 1961 Forest Act must also apply for registration under Sub-Section (1) within one year from the date of commencement of this action.
- 4 The District Forest Officer may provide necessary assistance for the purpose of Sub-Section (3).

43. Users' Group to be a Corporate Body

- 1 A users' group formed under Section 41 shall be an autonomous and corporate body with perpetual succession .
- 2 The users' group shall have a separate seal of its own.
- 3 The users' group may acquire, use, sell or transfer, or otherwise dispose of movable and immovable property like an individual.
- 4 A users' group may sue or be sued in its own name like an individual.

44. Report to be Submitted

- 1 A users' group must submit annual reports of its activities to the District Forest Officer within one month after the expiry of each fiscal year in the prescribed manner, explicitly mentioning the financial particulars and the conditions of the community forest also.
- 2 On the basis of the annual report received under Sub-Section (1), the District Forest Officer may provide necessary suggestions to the concerned users' group.

45. Fund of Users' Group

- 1 A users' group shall have a separate fund of its own.
- 2 The fund shall comprise the following amounts.
 - (a) Grants received from His Majesty's Government.
 - (b) Grants, donation, or assistance received from any individual or institution.
 - (c) Amounts received from the sale or distribution of forest products.
 - (d) Amounts collected through fines.
 - (e) Amount received from any other source.
- 3 The expenses to be incurred on behalf of the users' group shall be met from the fund mentioned in Sub-Section (1).
- 4 The users' group may spend for other public welfare activities the balance left in the fund after making disbursements for the development of community forests.
- 5 The fund shall be operated in the prescribed manner.