



Can bureaucratic control improve community forestry governance? An analysis of proposed Forest Act amendment

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December 2010

Discussion Paper Series 10:2

Series Editors: Hari Dhungana, Dil B Khatri, Kalpana Giri, Rahul Karki

Copy of this discussion paper is available on www.forestaction.org

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Abstract

The Ministry of Forest and Soil Conservation (MoFSC) has recently passed a proposal and drafted an amendment bill to revise the Forest Act 1993. This Act provided the legal foundation for community forestry programme in Nepal during the past two decades. However, the MoFSC has justified its recent move for legal change by citing anecdotal cases of irregularities and illegal felling in some parts of Terai and Churia region. But the Federation of Community Forest Users, Nepal (FECOFUN) and other civil society organizations have strongly opposed this move. As a result, positions on the move have polarized, and sparked off resistance and opposition at local to national levels. In this context, this paper examines the proposal in terms of the process and contents, and assesses how it impacts the community forestry programme and whether the proposed change would bring about expected outcomes. Doing this we hope to enrich the deliberation on this issue.

We suggest that, in terms of the process, MoFSC has undermined the multi-stakeholder and deliberative process, which was being progressively adopted over the past few years in forestry sector policy making. Some key assumptions behind this proposal have therefore become flawed. We also find that the proposed changes stipulated in the proposal are likely to aggravate the problems in community forest user groups—particularly corruption, illegal felling, and inequity—that MoFSC commits to resolve. We suggest that multistakeholder-based and deliberative process can help identify the problems and remove flaws of this proposal. This process needs to be informed by a robust and independent study of the problems in order to be able to determine workable solutions.

Keywords: forest act, policy making, community forest, bureaucratic control

1. Introduction

The Ministry of Forest and Soil Conservation (MoFSC) has recently passed a proposal for the amendment of the Forest Act 1993 from the Cabinet and prepared a corresponding amendment bill. In pushing forward these proposals, the MoFSC has pointed to the anecdotal cases of irregularities and overexploitation of forest in the Chure and Terai region. In addition, the Ministry has justified this proposal for increasing state revenue from forests and increasing the role of the Department of Forest in overseeing community forestry. Key points of these proposals are: joint responsibility in operational plan (OP) preparation, implementation, forest product harvesting and marketing between community forest user groups (CFUGs) and government forest officials, provision for a 50 percent contribution to the national treasury from the sale of forest products from community forests, a limited use zone concept in Chure, and other proposals to limit the access of communities to forest resources. This proposal has received vocal opposition from civil society groups and the disillusionment is growing within the forest user group federation and civil society circles.

In order to understand the polarisation around this proposal, it is important to examine whether this proposal is based on the objective experiences of community forestry over the past 30 years, and whether its formulation entailed at least a basic understanding amongst stakeholders. As such, the proposal has triggered debate, contestation and protests¹. It has generated a debate within the political parties, received attention at inter-party dialogues and created fissures within the bureaucracy. In addition, coverage of the issue in national and local media, including newspapers, radio and television channels have made the amendment proposal as a public concern throughout the country. Consequently, revising the Forest Act has become a matter of huge public debate for the last few months, challenging the existing public policy process in Nepal to make it more inclusive and deliberative.

Nepal's forest policy context is changing rapidly. Nepal is presently under a political transition that entails a promise for federal restructuring of the country through the new constitution. In this situation, the fate of the forest resource governance is yet to be defined. Similarly, Master Plan for the Forestry Sector (MPFS), which was prepared in 1989 for 20 years, has already expired. In this context, the need is to develop consensus on forest management and governance to incorporate into the new constitution, and to prepare a new master plan for the forestry sector. The latter is being pursued by the MoFSC as the development of Forestry Sector Strategy. There has been the broader consensus on the

¹ The Federation of Community Forest Users, Nepal (FECOFUN) outright rejected the proposal. A series of protest programmes including rallies in each districts of Nepal have been organized. Dissatisfaction over the process and content of the proposal has also been raised by various other organizations including Nepal Foresters' Association (NFA), Rangers' Association of Nepal (RAN) and ForestAction as well as many of the government officials within the MoFSC.

defining principles and working strategies in the process of commissioning a report on Democratising Nepal's Forestry Sector², where a series of interactions from community, sub-district, district, regional and national levels occurred. The conclusion of the taskforce was to make pro-poor forestry by devising appropriate legal instruments to enhance autonomy of the communities and improve their governance by recognizing their roles, clarifying their responsibilities and rights, and encouraging investment and transparency (Task Force Report, 2008: 48).

However, the MoFSC proposal to revise the Forest Act goes against the task force recommendations. It has generated scepticism amongst forestry stakeholders. Both the process that MoFSC followed to draft the proposal and the content itself, have triggered criticism from various corners. Despite the earlier practices of adopting multi-stakeholder processes and public deliberation while formulating Community Forestry Guidelines in 2008 and REDD-Readiness Preparation Proposal (RPP), this proposal was prepared without stakeholder participation and consultation. The MoFSC directed District Forest Officers (DFOs) to collect inputs for the revision. This has raised a question over the legitimacy of the proposal. The proposal claims to address the genuine issues of community forestry, such as poor governance and inadequate poverty outcomes. But, early on, it faced opposition that can jeopardise achieving its stated objectives. More likely is that proposal might aggravate the problems which MoFSC expects to resolve. While the proposal seeks to several provisions of the Act, this paper explicitly focuses on the amendments that directly affect community forestry.

This discussion paper has been prepared to inform the public, politicians, forestry officials, activists and researchers and thereby to invigorate public deliberation on the agenda that has severe implications on the thirty years of policy innovation in Nepal's community forestry. The main aim of the paper is to contribute to evidence-based policy making through participatory and deliberative processes. In doing so, this paper reviews the MoFSC justification behind the proposal, examines potential consequences, and explores alternative ways to make community forestry work better whilst addressing daunting challenges.

² Ministry of Forest and Soil Conservation formed a high level task force on 21st August 2006 in the leadership of a Joint Secretary by involving government representatives, NGO representatives, representatives from the forest user groups, forestry experts and donors with a mandate to organize multi-stakeholder deliberation in several districts and at national level so as to recommend its governing structures and forest management modalities amidst the aspirations of newly established democratic republic. The purpose of forming the task force was stated as 'to ensure the rights and responsibilities of the local people in governing the forest resources and democratisation of forestry sector' and methodology was prescribed as 'ensuring inclusive, transparent and participatory approaches', by organizing consultative meetings at forest user groups, districts and sub-districts followed by a national level workshop.

2. Justification behind the proposal: strengths and caveats

“The proposed amendment to the Forest Act 1993 is against the will of the local communities and has been prepared without broad consultations with stakeholders” (Opinion of Keshav Raj Kanel, former Director General of Department of Forest, quoted in *The Kathmandu Post*, 4th Dec 2010).

MoFSC has pointed out a number of issues in community forestry for presenting its case for the amendment of Forest Act 1993. The proposal acknowledges that the handover of community forests in Terai and Chure areas has been comparatively low. But it blames the community forest programme for not achieving the anticipated level of performance in protection and management of the forests. All the rationales provided are largely related to sustainable forest management, governance of forestry institutions, and poverty outcomes. Sporadic cases of unsustainable harvesting, inequity, elite capture and irregularities, including corruption, are major issues noted by MoFSC. Indeed, many studies have highlighted these issues (Malla 2001; Malla et al. 2003; Kanel and Niraula 2004; Pokharel and Nurse 2004; Sunam and McCarthy 2010) and community forestry actors including the government itself have been striving to address them (Kanel 2008; Pokharel et al. 2007). We look at these justifications more closely below.

2.1 Unsustainable harvesting of community forests

“I felt like crying after reading the report prepared by the committee. I strongly urge the authorities concerned to bring the wrong-doers to book.”

(Subas Nembang, the Constituent Assembly Chairperson, after reading the Field Study Report on Deforestation in Forestry Sector prepared by the Natural Resource Committee of the Legislative Parliament).

The major reason for amending the Forest Act 1993, quoted in the proposal, is reckless tree felling in Chure and Terai. The anecdotal cases of illegal felling, both in community and government-managed forests, have flooded the national and local mass media for the last few months (BBC News, 19th May 2010; Republica, 15th August 2010; THH, 27th September 2010; Nepalnews, 26th July 2010; TKP, 4th Dec 2010). This has triggered the attention of not only politicians, bureaucrats, civil society organizations (CSOs) but also that of the general public. Due to the increasing coverage in the media, and subsequent reports from several districts, the Legislative-Parliament formed a committee to investigate the extent and the key culprits of illegal felling as well as to recommend government response. A report prepared by the sub-committee formed under the Natural Resource Committee (NRC) of the Legislative-Parliament described deforestation in fiscal year 2009/2010 was among the worst cases since

1979.³ The NRC suggested that about 82,794 hectares of forest was encroached in the 26 districts (NRC 2010).

Despite these few case studies, there has been no recent independent and comprehensive study to examine the drivers and underlying causes of deforestation in Terai. Stakeholders of forestry agree that illegal felling is increasing in Chure and Terai but there is no common understanding over the drivers of illegal felling and underlying causes. Based on some anecdotal cases, MoFSC leadership has alleged that CFUGs have been responsible for forest depletion by harvesting more timber than the annual allowable cut specified in their operational plans, whereas Federation of Community Forest Users Nepal (FECOFUN) has blamed forestry officials as being the main culprits. Noticeably, the reports of NRC and National Vigilance Centre (NVC) present the nexus of forest officials, politicians, and local elites as the culprits (NRC 2010; NVC 2010).

Community forestry in Nepal [is] the most successful example of sustainable management of forests (a key message of the presentation made by Yuba Raj Bhusal, the secretary of MoFSC at Second Dialogue on Forests, Governance and Climate Change, 22-23 October 2009, Washington DC).

On the contrary to MoFSC's recent allegation, previous studies have acknowledged community forestry for its positive impacts on restoring degraded forests in hilly regions (Branney and Yadav 1998; Jackson et al. 1998; Gautam et al. 2003; Rana 2004; Karna et al. 2004; Pokharel et al. 2007). Similarly, the deforestation rate has also declined in 20 Terai districts from 1.3 to 0.08 percent between 1991 and 2001 (DoF 2005), and is partly attributed to the expansion of community forests in the Terai (DoF 2005; Kanel 2005).

In some cases, the amount of allowable harvest has been unnecessarily amplified by the media and committee reports. For example, many reports including the one by NRC are prepared by analyzing the harvests without considering the harvestable limits specified in the operational plan. Similarly, media reports have not specified the extent of deforestation within the handed over CFUGs.

³ During the referendum in 1979, a large portion of the forests in the Terai was cleared to collect funds to prolong the then partyless Panchayat regime.

2.2 Poor governance and inadequate poverty outcomes

“The forest minister and director general of Department of Forests had sought money from me for my transfer, and in addition, officials at the Ministry of General Administration too wanted me to grease their palm to get consent for my transfer.” (District Forest Officer of Morang, quoted in the NRC Report, 2010).

Another set of concerns raised in the MoFSC proposal concerns with inequity, elite capture, transparency, corruption, and performance of CFUGs. The proposal also calls for addressing particular issues, including a lack of transparency in forest product marketing, misuse of group funds and insufficient fund mobilization for poverty reduction activities. But the MoFSC proposes to do so by increasing the control of the Department of Forest rather than facilitating the pro-poor and equitable CFUG governance and management. These issues, however, are not new to community forestry discourse since many past studies have highlighted them (Malla et al. 2003; Pokharel and Nurse 2004), and have been recognized as second generation issues since the mid 1990s. Because powerful elites often make decisions to favour themselves, they reap more benefits from community forests than the poor people who bear a disproportionate cost of their involvement in community forestry. Despite some positive indications of pro-poor activities, total pro-poor cost was three percent of total income of CFUGs (Kanel and Niraula 2004).

However, there are numerous innovations to address equity and poverty at the field level initiated by CFUGs themselves and through donor-funded projects (McDougall et al. 2008; Pokharel et al. 2007; Kanel 2008; Bhattarai et al. 2009). Similarly, funding for the pro-poor activities has increased since the revision of community forestry guidelines 2009. This revision was made through a multi-stakeholder deliberation and included a provision of investing 35 percent of the CFUG income in such activities. In addition, some studies show that community forestry has a strong influence on inclusive democracy and leadership development. The institutionalization of participatory process in decision making (meeting and assembly), rule of law and positive discrimination has strengthened inclusive democracy (Pokharel et al. 2007). Of the 143,000 elected committee members, about 24 percent of the members are women. Moreover, there are more than 600 CFUGs whose committee members are only women. Similarly, there is an eight percent representation of Dalit in the committee of CFUGs in Okhaldhunga, Ramechhap and Dolakha districts, and it is proportionate to their district population (NSCFP 2007). Of the 16,000 CFUGs in Nepal, if we consider only three key positions (chairperson, secretary and treasurer), there are 48,000 leaders (of which 11,000 are women) in CFUGs who make the day-to-day decisions on forest management, fund use, and other development activities.

2.3 Low revenue generation

Another justification of the MoFSC proposal for the revision of Forest Act is that the government has neither received sufficient revenues from community forests nor have CFUGs been able to generate optimum funds. MoFSC primarily sees two reasons responsible for this. The first reason is the lower pricing structure of forest products which is not responsive to the market. In other words, CFUGs are selling forest products, particularly timber, at a rate well below the market price.

Although CFUGs are selling forest products at a lower price, they have surprisingly been more effective in generating revenues than the central government (Kanel 2008). In the fiscal year 2008/09, the Department of Forest (DoF) collected NRs 65 million (11 percent of the total revenue of NRs 592 million from forestry sector) revenue from the CFUGs (DoF 2010). This revenue represents 15 percent of the total income of the CFUGs from timber sales of two species (Sal and Sissoo) outside the CFUGs. It indicates that the total income of CFUGs throughout the country was at least NRs 437 million for the same year (see Figure 1). This figure should be reasonably large because it does not include the income generated from selling forest products inside the CFUGs. Currently, community forestry covers only 25 percent of the total forest land.

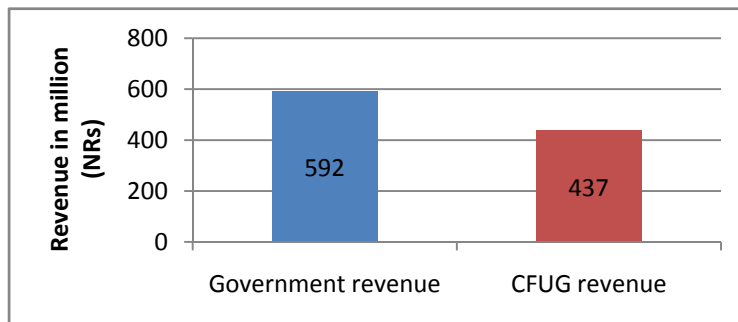


Figure 1: Comparison of DoF and CFUG revenue of FY 2008/09

Second, MoFSC argues that the current tax rate (15%) is too low, resulting in lower government revenues. However, MoFSC has failed to recognize the contribution of CFUGs to rural livelihoods and community development. Various case studies (see Collett et al. 1996; Dev et al. 2004; Pokharel et al. 2007; Bhattarai et al. 2009; Chapagain and Banjade 2009) have shown that CFUGs positively contribute to improve the livelihoods of rural people in terms of enhancing natural, social, human, financial and physical capital although macro-scale data on linking community forestry and livelihoods is lacking. The major investment of CFUGs has been on community development (36 percent of their expenses), which includes road construction, school support and other infrastructure development (Kanel 2008). These costs

otherwise would have to be borne by the government. Moreover, MoFSC has not considered additional and improved ecosystem services generated by the improvement in community forests. Also, CFUGs are resilient institutions in the face of socio-economic and political shocks, as the majority of CFUGs were functional in times of conflict (Pokharel et al. 2006).

In addition to these challenges recognized by MoFSC, civil society actors, specifically FECOFUN, see bureaucratic hurdles and overregulation, weakness in implementation of existing provisions and lack of effective monitoring and evaluation as major challenges (FECOFUN 2010; Paudel et al. 2008).

3. Potential consequences of the proposal

The MoFSC proposal suggests that complete autonomy of CFUGs is responsible for irregularities, unsustainable harvesting, lower pricing and elite capture/inequity. Under the Forest Act of 1993, CFUGs were given autonomy to manage forests and market forest products independently:

The DFO may handover any part of a National Forest to a users' group in the form of a Community Forest as prescribed entitling to develop, conserve, use and manage the forest and sell and distribute the forest products independently by fixing their prices according to OP (*Article 25*).

The Users' Group shall be an autonomous and corporate body having perpetual succession (*Article 43*).

Thus, most proposed amendments are directed to constrain group autonomy. These include making forest officials and CFUGs jointly responsible for OP preparation, implementation, harvesting and marketing of forest products, formulation of harvesting and marketing guidelines, and limiting forest use in Chure. Joint responsibility, harvesting and marketing guidelines are expected to promote transparency, accountability, reduce corruption and ensure that monitoring and evaluation are increasingly effective. Table 1 presents the proposed revisions in the Forest Act and their potential adverse consequences, which are subsequently discussed in more detail.

Table 1: Rationale and potential consequences of the proposed amendments

Proposed amendment	Potential consequences
Joint responsibility in OP preparation, implementation, forest product harvesting and marketing	<ul style="list-style-type: none"> • Increased elite capture • Increased corruption • Passive CFUGs • Inadequate poverty outcomes • Increased deforestation
50% contribution to the national treasury	<ul style="list-style-type: none"> • Fake accounts and dubious financial practice • Commercialization • Inadequate poverty outcomes • Low level of interest in CF-less incentive-passive forest management
Limited use zone concept in Chure (No forest management)	<ul style="list-style-type: none"> • Increased deforestation-illegal harvesting
Restriction in forest use	<ul style="list-style-type: none"> • Passive forest management • Increased deforestation-illegal and extra legal felling

3.1 Joint responsibility: Jeopardizing community forestry

In a sense, it appears that MoFSC is keen in joining hands with CFUGs by introducing shared responsibility. However, this provision not only discourages local communities while empowering forest officials, but it may also have dire consequences on governance and forest management by interfering on group autonomy and the spirit of decentralization. First, it is more likely to foster elite capture and nurture corruption; issues that MoFSC intends to reduce. Even in the current situation, where CFUGs are legally autonomous having limited controlling role of the DFO and its subsidiary branches, the nexus of local elites and corrupt government officials is attributed as the prime cause of rampant timber smuggling from some of the CFUGs. Similarly, cases of cooptation from the state forestry officials seeking rents are reported from almost every Terai district (Paudel et al. 2009; Paudel et al. 2010). Without changing the corrupt practices and attitudes of these people, concern exists over what will happen when the controlling role of forestry officials is increased. Obviously, the provision of joint responsibility will help to create and reinforce an unfair bond between local elites and forest officials who can manipulate decisions as per their interests, thereby promoting elite capture. Likewise, it will provide a playing ground for local elites and forest officials to further institutionalize corruption and other malpractices (see Timsina and Paudel 2003). These results should be expected because there are numerous cases of abuse of authority by

forest officials demanding unfair rents from CFUGs (Paudel et al. 2006). This argument is also supported by recent reports of the Parliamentary Committee on Natural Resources and National Vigilance Centre which reveal that forest officials, local elites and politicians are the ones indulged in the quagmire of corruption, even though the timber is harvested from community forests (NRC 2010; NVC 2010).

Second, the provision of joint responsibility will result in passive community forest management. Of 9,000 staff in DoF, there are only about 1,700 forestry technicians, and no social workers (see Table 2). Owing to the limited staff and resources, forest officials cannot participate in all activities such as meetings, assemblies to silvicultural practices and marketing of forest products that CFUGs undertake. The limited capacity of the government to provide the needed services and putting controlling provisions against CFUGs to limit their autonomy will eventually hinder CFUGs from being active and innovative. Some argue that DFOs have been given sufficient power to regulate CFUGs, and have been given power even to take back community forests if CFUGs deviate from their OPs and cause massive damage to the environment. Perhaps for these reasons, FECOFUN has considered this proposal as an attempt for some forest officials and politicians to resurrect their traditional power to bolster protection oriented forest management (FECOFUN 2010).

Table 2: Number of staff and their composition in DoF (above the Guard and Peon rank)

Staff categories	Forest technician		Administrative staff		Armed force		Total	
	No	%	No	%	No	%	No	%
Officials (Officer level)	260	5	7	0.6	3	0.1	270	3
Assistants/clerks	1400	25	650	56	1950	73.9	4000	43
Total	1660	39	657	15	1953	46	4270	

Source: Pokharel (2006)

3.2 Fifty percent Tax: Ruining local economy

Another MoFSC proposal is levying 50% of the total revenues earned by CFUGs from the sale of forest products (timber and fuelwood) outside concerned CFUGs as a contribution to the central treasury. While a 15 percent tax is still being contested⁴, MoFSC seeks to

⁴ There has been an attempt to levy 40 percent tax in 2003 and reduced that to 15 percent after massive protest from FECOFUN and other actors, and the litigation in the court.

introduce the new tax scheme of 50 percent. This provision will have negative implications on the local economy, community development and poverty reduction. This provision reduces incentives for commercialisation and considerably reduces CFUG income. The tax scheme has failed to consider the investments of CFUGs especially incurred for forest protection, harvesting and marketing. A case study of three CFUGs from Nawalparasi district shows that CFUGs spent 50 to 65 percent of their total income prior to the actual timber sales to cover the costs of harvesting and marketing (see Table 3). If they abide by the new tax scheme there will be less revenue remaining for the CFUGs. It will decrease CFUG funds and encourage them to become involved in forged financial practices such as maintaining double accounts. As a result, there will be limited funds for poverty reduction.

Table 3: Cost of harvesting and marketing of Sal timber in Nawalparasi

Name of CFUG	Quantity sold in 2009	Total cost	Total income	% cost
Sundari	5500	945942	1733421	55
Dhusani	3205	641000	1000000	64
Amar	6258	1225510	2445708	50

Source: Field Study, October 2010.

3.3 Restricting forest use: Licensing for illegal logging

MoFSC has intended to regulate forest use by allowing CFUGs to carry out forest utilization activities only after two years from the handover of community forests. Besides, CFUG can only implement operational plan (OP) after one year from its revision. Technically, it is flawed because there are different silvicultural and other forest management activities which should be carried out every year. Further, the amendment does not consider the needs for forest products for two years which will negatively impact the poor, and may encourage users to steal forest products to fulfill their needs. Overall, this proposal fuels passive forest management and is likely to increase forest depletion due to a decline in ownership feeling of local community over forest.

Clearly defined and undisputable tenure is vital in sustainable natural resource management since it provides strong incentives for people to own and manage resources sustainably (Luintel and Chhetri 2008). Tenure confusion exists in the Churia region, and as a result, this region is facing the overexploitation of forests and a looming environmental crisis. Instead of addressing tenure issues, MoFSC decided to introduce the concept of 'limited use zone'

which considers the sensitivity and fragility of Churia region and upward-downward (Terai) linkages for ecosystem services. The 'limited use zone' concept implies, as described in the proposal, that only fallen, dead, diseased and dying forest products can be extracted, that no tree felling is permitted, and that virtually no forest management occurs at all. MoFSC is proposing this concept by blaming CFUGs for the environmental crisis in Churia region without a thorough analysis of the drivers behind it. In fact, this proposal will further weaken tenure and induce unsustainable harvesting. The provision may result in forest product theft by local communities in order to meet their livelihood needs and illegal logging by corrupt forest officials, politicians and local elites. In the past, Nepal has experienced the deadly scenario of high deforestation and forest degradation, which is attributed to unclear tenure and limited or no rights given to local inhabitants. If the proposal is implemented, it is likely to aggravate deforestation and degradation in Chure.

Overall, the provision of joint responsibility, coupled with the 50 percent tax scheme, would result in a restriction of forest management that would have far reaching and largely negative implications on forest management, governance and poverty reduction.

Reviewing the proposal of MoFSC, we find a number of fundamental assumptions underpinning it. First, MoFSC assumes that the autonomy to CFUGs provided by the Forest Act is the primary cause of irregularities, corruption, lower pricing and unsustainable harvesting. Second, the MoFSC also assumes that the local communities are incompetent in forest management so that the bureaucracy should have control over it. Third, a strict protection-oriented forest management approach is the best way to achieve sustainable forest management, and thus, the market should be discouraged. Finally, a change in the overall policy of community forestry could be legitimized by using the unique issues of community forestry in Chure and Terai.

The pressing question that remains is: are the legal responses prepared based on these assumptions panacea to address the issues of community forestry or can we go beyond the 'box'? Moreover, are there any better alternatives?

4. Alternative ways: Building on existing practices and innovations

How can we make community forestry work better? There are a number of good practices and innovations that provide us with better, alternative ways to achieve sustainable forest management, good governance and poverty reduction. Also, in a democratic Nepal the strategies in the forestry sector must be in accordance with the principles of democratic governance, and not the traditional top-down bureaucratic approach. Similarly, a need to democratize state-community relationship and promoting collaborative and deliberative mechanisms at district and sub-district levels for monitoring CF related issues and concerns are suggested. This section presents the alternative ways based on existing good practices and innovations to address the burning issues of community forestry in Nepal.

4.1 Improving CFUG governance

A democratic approach to promote sustainable harvesting involves participatory and deliberative decision making by improving the group governance, introducing a locally-led inventory process and developing a good monitoring system within CFUGs. Critical and deliberative interface of external actors including government agencies, NGOs and networks can facilitate inclusive, democratic, pro-poor and equitable governance processes within the CFUGs.

The existence of the nexus of local elites, smugglers and corrupt officials has been possible in the CFUGs where ordinary citizens have limited information regarding their rights, responsibilities and awareness on CFUG processes. To break it, a rigorous process of deliberation and information sharing at each hamlet (*tole*) and household, wherever feasible, is required. This should start from the CFUG formation process. In the already formed CFUGs, *tole* committees could be institutionalized as basic units for decision-making, representation, benefits distribution and community development. Research has shown that the CFUGs which have institutionalized toles in this way are not involved in such a damaging nexus.

4.2 Democratizing state- community interface

The relationship between the Department of Forest and community has always been problematic as the former has been blamed for its attempts of cooptation to, rent seeking from, and controlling the CFUGs. There are circumstances where local elites (especially few CFUG leaders) personally benefited by forging the nexus with corrupt officials, and evidence exists where CFUGs suffered gravely from the government for declining to pay a bribe or for conducting fair affairs. In these situations, rather than providing additional space to further cultivate this nexus, efforts should be directed toward transforming this relationship, such as

by increasing local awareness. Similarly, district forest governance can be brought under the umbrella of local governance, where forestry professionals come to a critical interface with citizen representatives. This might help transform techno-bureaucratic attitudes towards deliberative change agents (Ojha et al. 2010).

The existing inventory guidelines are hardly accessible to CFUG members and are highly technical. Local people have very limited knowledge and understanding about it. Simplifying it and making it more readily accessible would help local people understand the rationales and requirement of forest inventory. With awareness of CFUGs on scientific management and harvesting practices the CFUGs can contribute to sustainable forest management.

4.3 Promoting collaborative and deliberative mechanisms for monitoring

There is also a need to improve the existing forest product marketing system which is heavily influenced by cumbersome regulatory provisions and institutional behaviour (Dhungana and Bhattarai 2008; Kunwar et al. 2009). Clandestine relations among local elites, forest officials and contractors flourish in this environment, but with high transaction costs and greater incentives of overexploitation. But under participatory and democratic decision-making and effective monitoring, overexploitation will be reduced. Multi stakeholder mechanisms at the district and sub-district levels are urgently needed to oversee forest product harvesting and marketing related issues. The structures and mandates of these mechanisms could be developed at the district level. The District Forest Coordination Committee (DFCC) exists but has been criticized for its overly governmentalized structure and its ritualized function⁵. Key issues that these mechanisms could address include: monitoring of CFUG practices including forest products harvesting, governance processes, pro-poor and equity related initiatives; developing standards for district/sub-district on forest product price, linking market to the CFUG, ensuring transparent and fair competition among traders during tendering processes, and ensuring larger environmental issues and concerns such as the protection of threatened and endangered species, and conservation of ecologically sensitive areas.

4.4 Making community forestry work for the poor

Community forestry is widely expected to contribute to poverty reduction. The current community forestry guideline provisions of 35 percent of group income devoted towards

⁵ DFCC is criticized by non-state actors and are demanding to make it more inclusive. In many districts, they are largely inactive or are (mis) used by DFO only when they required it to legitimize their activities. However, if it is made inclusive in terms of involving relevant stakeholders, it could help resolve many of the issues within a district. Depending on local issues and needs, sub-district level multistakeholder mechanisms could be more beneficial.

poverty reduction is noble, but it is not clear about the scope of the contribution by CFUGs to achieve this reduction. The current understanding of poverty in community forestry is too narrow and only counts cash contributions. However, there is a need to appreciate the multiple benefits of forests such as forest products, shelter, watershed protection, employment opportunity, wild fruit and other edibles, and herbs, which all contribute to poverty reduction. Ambiguities exist regarding the poverty objectives of forests. Existing legal provisions often restrict the use of forest land for productive agro-forestry practices, eco-tourism or other potential purposes and yet it expects CFUGs to contribute to poverty reduction. Strengthening CFUG governance along with legislative clarity on the purpose and scope for poverty reduction would largely make community forestry work for the poor. Legal provisions for diversifying pro-poor activities through community forestry such as eco-tourism and agro-forestry would work.

Capacity building and empowering marginalized groups should be the key strategy to promote pro-poor governance. Policy directions such as guidelines and their enforcement could be complementary but should not be the major strategy to ensure equitable benefit sharing. Similarly elite capture in CFUG has to be addressed by improving the internal governance of CFUGs, developing a self and collaborative monitoring mechanism and rewarding schemes.

Acknowledgements

We would like to express sincere thanks to Growing Forest Partnership (GFP) and Rights and Resources Initiative (RRI) for financial support. Thanks are also due to Kamal Bhandari for providing field data. The valuable suggestions made by Hari Dhungana and Hari Sharan Luintel are gratefully acknowledged.

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Annex 1: MoFSC Proposal

Government of Nepal Ministry of Forests and Soil Conservation

Ref: Getting Approval of the Theoretical Subjects to be improved to address the issues Seen in the Management of Community Forest

Approved by Hon. Minister of Forests and Soil Conservation on 2067/3/17

1. Brief Statement about the Subject

About 23 percent of the total forest area in Nepal has been handed over to the local community. Approximately 15 thousands Community Forestry User Groups have been managing these forests. In the Hills, large area of national forest has been satisfactorily protected and managed as Community Forests. Though the handover of the community forests in Terai and Chure is comparatively low, field studies have confirmed a reality that the protection and management of the community forests handed over to the community is not protected and managed to the anticipated level. Giving a due consideration to the suggestions received from the National DFO Workshop and Field Monitoring Report, this policy proposal is prepared to address issues realized in the management of community forests.

2. Comments Received and Other Relevant Issues

Aiming to make the forest product collection and distribution system effective, credible and transparent (thereby uprooting the existing malpractices), on 2066/02/23, the Ministry of Forests and Soil Conservation received an instruction from the Commission on Investigation of Abuse of Authority urging to prepare a Guideline on the collection, sale and distribution of forest products from the Community Forests and instruct District Forest Office to forbid forest products sale and distribution, even within the group, with the price lower than it was stipulated in Forest Regulation 1995.

3. Reasons to Submit the Proposal

a. Though, Rule 26 of Forest Regulation 1995 mentions that, ‘.....while determining the community forests, the wishes as well as the management capacity of the local users should be considered...’, the standards of management capacity has not yet been well defined, due to which, some groups were allotted with more forest and some groups were allotted with too little forest than their management capacity. This has created conflict by unequal access to forest resources. The confusion in the management capacity standards has also made it

difficult to handover the proposed community forests of Terai and Inner Terai-forests that have been protected and long been awaited for legal hand over. Therefore, it is imperative. While determining the forest area for each household, the minimum requirement of the users and geographical regions will be taken consideration.

b. The collection and sale of forest products in government managed forests is regulated by Forest Product Collection, Sale and Distribution Guideline 2057 and Forest Product (timber and firewood) Auction Procedural Guideline 2060. But, guidelines for the collection, sale and distribution of the forest products in Community Forests have not yet been prepared. In the absence of such guideline, the process of forest product sale and distribution is not transparent. Due to the sale of forest products at low price, both the society and the government have been losing a considerable income. . Similarly, because of the disparity in the selling prices of forest products of the community and the government, the income of the society and the government has not been substantially increased. Being indifferent to the need of the district, forest products from the Community Forests have been sold to other districts; District Forest Office has no clear responsibility and role in the Acts and Regulations to have control over the transport of forest products. These are few reasons that have created administrative and legal difficulties to have regulatory control over community forests.

c. Based on the analysis of forest condition and analysis of increment, forestry technical staffs are responsible to put forest management activities and annual allowable cut in the operation plans. But after hand over of the forest, forest staffs don't have any regulatory responsibilities. Forestry staffs and the executive committee point finger to each other for any irregularities. Therefore, the forest staffs involved in the preparation, approval and implementation and the executive committee of Community Forestry User Group should be made jointly responsible for such irregularities.

d. Section 25 of Forest Act, 1993 has allowed Community Forest User Groups to sell and distribute the forest products independently by fixing their prices. Section 43 (1) has legally recognized Community Forest User Group as an autonomous and corporate body having perpetual succession. Because of this provision, monitoring and evaluation of community forest has not become effective.

e. Multistage field studies by Chure Conservation Task Force of the Ministry of Forests and Soil Conservation has have pointed out its geographic and geological sensitivity. Probing Committee commissioned by the Ministry of Forests and Soil Conservation has submitted reports on the illicit cutting in community forests of Chure region. Upon the analysis of such reports and Chure related issues raised by different mediums in Chure and other

environmentally sensitive areas, it is imperative to mention management activities in the operation plans based on the “limited use” concept.

f. Field reports have shown that in many districts of Terai and inner Terai, operational plans were prepared hastily, in a short period and even before getting institutional maturity, trees were cut within one or two days after the operational plan was approved. No priority to forest management activities; expenditure equaling the income, no matter how much is earned; not allocating funds for poverty alleviation and income generating activities are few examples of irresponsible activities that necessitate the amendment of Community Forestry Guideline, 2052.

g. The organizational structure of Department of Forest is conventional. This conventional structure makes it difficult to regulate the ever growing number of community forests. Analyzing such extra workload (services to Community Forests, monitoring of the Community Forests, protection of government managed forests and expansion of the private forests), it is necessary to improve the organizational structure of Department of Forest.

In the above mentioned context, Hon. Minister of Ministry of Forests and Soil Conservation on 2067/3/17 has approved a proposal submitted by the Ministry of Forests and Soil Conservation on “Theoretical Subjects to Address the Contemporary Issues about Community Forest Management.” Therefore, this proposal has been submitted according to the Annex-1 Number 16 ofRegulation, 2064 of the Government of Nepal. 3

4. Provisions to be Decided

To address the weaknesses observed in the Community Forest protection and utilization, it is very necessary to amend the Forest Act, 1993 and Forest Regulation, 1995. Hence Ministry of Forests and Soil Conservation will be directed to make necessary arrangements to amend the Forest Act, 1993 and the Forest Regulation, 1995 as given below-

a. Considering the fulfillment of minimum needs of the users, maximum forest area per household will be determined on the basis of geographical regions.

b. The process of forest product collection and sale is not transparent and products have been sold at low price, the society and the government have been losing a big income. Therefore, to facilitate increased income of the society and the government, the following arrangements are needed.

i. Prepare and compulsorily implement the Collection Guideline and Sale and Distribution Guideline for the forest products from Community Forests.

- ii. Based on the geographical region and well being ranking, fix the price exactly the same as mentioned in Forest Regulation, 1995 for sale and distribution the forest products within the group.
- iii. Sell and distribute forest products to outside groups only when the demand within the district is satisfied. Such surplus forest products should be competitively auctioned with minimum prices according to the market price.
- iv. Out of the income received from selling forest products to outside group, make arrangements to deposit 50 percent of it, according to the minimum price mentioned in Forest Regulation 1995, to the Forest Development Fund.
- v. While selling the timber and firewood of community forest to outside the group, make arrangement that enable the organizations like Timber Corporation of Nepal (TCN) to enter into a competitive auction
- c. Make the forestry officials and Community Forest User Group/Executive Committee collectively responsible during the approval and implementation of the operation plan and forest product sale and distribution.

- d. To ensure an effective monitoring, make provisions for a compulsory monitoring through District Forest Coordination Committee.

- e. In the community forests of Chure and other environmentally sensitive regions, mention the forest management activities in the operation plan based on the “limited use” concept. In such areas, completely avoid the concept of Annual Allowable Cut. No commercial extraction is allowed, only the dried and fallen trees would be utilized for local supply.

- f. Following provisions must be compulsorily included in the amendment of Community Forestry Guideline, 2052
 - i. Provisions that would allow forest utilization only after a year of operation plan approval
 - ii. Provisions related to fund mobilization
 - iii. Provisions that would allow to implement programs of current fiscal year only on the basis of monitoring report of the previous fiscal year

g. Improve the organizational structure of Department of Forest after analyzing the extra workload (service to the Community Forests, monitoring of the Community Forests, protection of Government Managed Forests and expansion of Private Forests) added as a result of the above mentioned changes.

Date: 2067/3/18 Surya Prasad Joshi
(Acting Secretary of Government of Nepal)

1. Annex 2: Amendment bill

वन ऐन २०४५ को विद्यमान व्यवस्था र दोस्रो
संशोधन विद्येयक २०६७ मा प्रस्ताव गरिएका
व्यवस्थाहरूका बीचको भिन्नता

वन ऐन २०४६ मा भएका व्यवस्थाहरू	दोस्रो संशोधन विधेयक २०६७ मा प्रस्ताव गरिएका व्यवस्थाहरू
(क) "वन" भन्नाले पूर्ण वा आंशिक रूपमा रूखहरूले ढाकिएको क्षेत्र सम्भक्त पर्छ ।	(क) "वन" भन्नाले पूर्ण वा आंशिक रूपमा रूखहरूले वा वृक्षानले ढाकिएको क्षेत्र सम्भक्त पर्छ ।
	(क१) "वन क्षेत्र" : भन्नाले निजी स्वामित्वको हक भोगको जग्गा र प्रचलित कानूनले अन्यथा व्यवस्था गरेको बाहेकको सबै जग्गालाई सम्भक्त पर्दछ । यस शब्दले वन सिमाना लगाइएको वा नलगाइएको सम्पूर्ण वा आंशिक रूपमा रूख, वन वृक्षान र वनस्पतिले ढाकेको घाँसे मैदान, खर्क, हिउले ढाकेको वा नढाकेको नांगो पहाड र यस भित्र रहेका बाटो, पोखरी, ताल, तलैया, सिमसार, नदी, खोलानाला, बगर पर्ती वा ऐलानी जग्गा समेतलाई जनाउँछ ।
२ (ग) (२) रूख, पात, फूल, फूल, मौवा, चिराइतो, कूटकी र सबै प्रकारका जंगली जडीवुटी, वनस्पति तथा तिनका विभिन्न भाग वा अङ्ग वा	२ (ग) (२) फूल, जरा तथा गानो, बोक्रा, भुवा, बीज, गम लोहवान, अन्य जंगली जडिवुटी तथा गैरकाष्ठ वन पैदावार, वनस्पति र प्राणीको अंग, सुक्ष्म अंग समेत, वा ।
	२ (ग) (५) "वातावरणीय सेवा" भन्नाले वनको पारिस्थितिकीय प्रणालीबाट प्राप्त हुने लाभलाई सम्भक्त पर्दछ ।
	२ (च१) "साभेदारी वन" भन्नाले गाउँ वस्तीसंग जोडिएको राष्ट्रिय वन क्षेत्रको कुनै भाग, जिल्ला वन कार्यालय, स्थानीय निकायहरू र वन उपभोक्ताहरूको साभेदारीमा व्यवस्थापन गरिने वन क्षेत्रलाई सम्भक्त पर्दछ ।
	२ (च२) "ब्लक फरेष्ट" भन्नाले अविच्छिन्नरूपमा रहेको कमिन्मा २०० हेक्टर भन्दा बढी क्षेत्रफल भएको वनको उत्पादकत्व बृद्धि गर्ने उद्देश्यले नेपाल सरकार स्वयम् वा नीजि क्षेत्रसँगको साभेदारीमा व्यवस्थित वनलाई सम्भक्त पर्दछ ।
	२ (ड१) "निर्देशक" भन्नाले क्षेत्रीय वन

वन ऐन २०४६ मा भएका व्यवस्थाहरू	दोस्रो संशोधन विधेयक २०६७ मा प्रस्ताव गरिएका व्यवस्थाहरू
	निर्देशनालयको प्रमुख सम्भक्त पर्दछ ।
	२ (ब१) "वन्यजन्तु" भन्नाले घर पालुवा बाहेक जन्सुकै जातिको स्तनधारी जन्तु (म्यामलस), पक्षी (एभ्स), घसिने जन्तु (रेप्टायन्स), माछा (पीसीज) भयागुता जाति (एमिफवियन्स), किरा फट्याङ्गा (इन्सेक्ट्स) सम्भक्त पर्दछ र सो शब्दले फूल पार्ने जन्तुको फूल समेतलाई जनाउँदछ ।
	(ब२) "आखेटोपहार" भन्नाले वन्यजन्तुको मृत शरीर वा शरीरको चिन्न सकिने अवस्थामा रहेको कुनै अंग वा अश वा शरीरको कुनै पदार्थ वा त्यस्तो पदार्थको समिश्रणबाट बनेको वा तयार भएको कुनै पनि वस्तुलाई सम्भक्तपर्दछ ।
१६. जग्गा दर्ता गर्न नहुने : (१) राष्ट्रिय वनभित्रको जग्गा कसैले पनि दर्ता गर्न वा गराउन हुदैन ।	१६. जग्गा दर्ता गर्न नहुने : (१) राष्ट्रिय वनभित्रको जग्गा कसैले पनि दर्ता गर्न वा गराउन हुदैन ।
(२) उपदफा (१) मा लेखिएको जग्गा दर्ता गराइएको भएतापनि सो दर्ताको नाताले त्यस्तो जग्गा दावी गर्न पाइने छैन र त्यस्तो दर्ता स्वतः बदर हुनेछ ।	(२) उपदफा (१) मा लेखिएको जग्गा दर्ता गराइएको भएतापनि सो दर्ताको नाताले त्यस्तो जग्गा दावी गर्न पाइने छैन र त्यस्तो दर्ता स्वतः बदर हुनेछ । "त्यस्तो दर्ता बदर गरिएको जग्गाको लगतकट्टा गर्न जिल्ला वन अधिकृतले सम्बन्धित मालपोत कार्यालयलाई लेखि पठाउनु पर्नेछ । त्यसरी लेखी आएको ७ दिन भित्र मालपोत कार्यालयले लगतकट्टा गरी सोको जानकारी जिल्ला वन कार्यालयलाई दिनु पर्नेछ ।"
२०. कार्य योजना : (१) सरकारद्वारा व्यवस्थित वनको व्यवस्थापनको लागि विभागले तोकिए बमोजिम कार्य योजना तयार गरी स्वीकृतीको लागि मन्त्रालय समक्ष पेश गर्नु पर्नेछ ।	२०. कार्य योजना : (१) सरकारद्वारा व्यवस्थित वनको व्यवस्थापनको लागि जिल्ला वन कार्यालयले वन विभागले तोके बमोजिम कार्ययोजना तयार गरी स्वीकृतीको लागि क्षेत्रीय वन निर्देशनालय माफत विभागमा पेश गर्नु पर्नेछ ।
(२) उपदफा (१) बमोजिम पेश	(२) उपदफा (१) बमोजिम पेश भएको

वन ऐन २०४५ मा भएका व्यवस्थाहरू	दोस्रो संशोधन विधेयक २०६७ मा प्रस्ताव गरिएका व्यवस्थाहरू
भएको कार्य योजनामा कुनै हेरफेर गर्न आवश्यक देखेमा मन्त्रालयले त्यस्तो कार्य योजना विभागमा फिर्ता पठाउन सक्नेछ र आवश्यक हेरफेर सहित विभागबाट प्राप्त हुन आएपछि सो कार्य योजना मन्त्रालयले स्वीकृत गर्नेछ।	कार्ययोजनामा कुनै हेर फेर गर्न आवश्यक देखेमा विभागले त्यस्तो कार्ययोजना जिल्ला वन कार्यालयमा फिर्ता पठाउन सक्नेछ र आवश्यक हेरफेर सहित जिल्ला वन कार्यालयले क्षेत्रीय वन निर्देशनालय मार्फत प्राप्त हुन आएपछि सो कार्ययोजना विभागले स्वीकृत गर्नेछ। (४) सरकारद्वारा व्यवस्थित वनको कुनै भागलाई सिमांकन गरी ब्लक फरेष्टको रूपमा नेपाल सरकार स्वयम वा निजी क्षेत्रसंगको साभेदारीमा व्यवस्थापन गर्न सकिनेछ। निजी क्षेत्रसंगको साभेदारीमा व्यवस्थापन गरिएको वनको लाभांश वॉडफॉर्ड तोकिए बमोजिम हुनेछ। (५) गाउँ वस्तीसंग जोडिएको सरकारद्वारा व्यवस्थित वनको कुनै भागलाई साभेदारी वनको रूपमा तोकिए बमोजिम व्यवस्थापन गर्न सकिनेछ। साभेदारी वनको कार्ययोजना क्षेत्रीय वन निर्देशकले स्वीकृत गर्नेछ। (६) साभेदारी वनबाट उत्पादित वन पैदावारलाई वन नियमावलीले तोके बमोजिमको मूल्य अनुसार मूल्यांकन गरी ५० प्रतिशत रकम नेपाल सरकारको सर्व संचित कोषमा जम्मा गरिने छ र बाँकी आम्दानी साभेदारी वन व्यवस्थापनको लागि तोकिए बमोजिम खर्च गरिनेछ। (७) साभेदारी वनमा कसैले कार्ययोजना विपरितको कुनै काम गरेमा वा हानी नोक्सानी पुऱ्याउने कार्य गरेमा त्यस्तो कार्य गर्नेलाई राष्ट्रिय वनमा कसुर गरे सरह सजाय हुनेछ।
२१. सरकारद्वारा व्यवस्थित वनमा अन्य कार्य गर्न प्रतिबन्ध : कार्य योजनाले निर्दिष्ट गरेका कार्य तथा वन विकास कार्य बाहेक सरकारद्वारा व्यवस्थित वनमा अन्य कुनै पनि	२१. सरकारद्वारा व्यवस्थित वनमा अन्य कार्य गर्न प्रतिबन्ध : कार्य योजनाले निर्दिष्ट गरेका कार्य तथा वन विकास कार्य बाहेक सरकारद्वारा व्यवस्थित वनमा अन्य कुनै पनि कार्य गर्न पाइने छैन।

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कार्य गर्न पाइने छैन।	तर यस कुराले विभागको पूर्व स्वीकृती लिई वैज्ञानिक अध्ययन वा अनुसन्धान गर्न बाधा पुऱ्याएको मानिने छैन।
	२२ क. वन व्यवस्थापन कोष : (१) वनको संरक्षण, व्यवस्थापन र वन विकासको कार्यलाई प्रभावकारी बनाउन केन्द्र र जिल्लामा वन व्यवस्थापन कोषको स्थापना गरिनेछ। (२) कोषमा देहाय बमोजिमका रकमहरू जम्मा गरिनेछ। (अ) ब्लक फरेष्टबाट नेपाल सरकारलाई प्राप्त हुने आम्दानीको दश प्रतिशत रकम, (इ) साभेदारी वनको आम्दानीबाट नेपाल सरकारलाई प्राप्त हुने आम्दानीको दश प्रतिशत रकम (ई) सरकारद्वारा व्यवस्थित वन, सामुदायिक वन, साभेदारी वन, संरक्षित क्षेत्र वन, वन पैदावार विकास समिति र टि.सी.एन. वाट व्यापारिक प्रयोजनका लागि विक्री भएको काठका हकमा व्यवसायीबाट प्रति क्यू फिट रू ५१- का दरले र त्यति नै मात्रामा नेपाल सरकारको तर्फबाट कोषमा प्राप्त हुने रकम, (उ) निजी वनको हकमा व्यवसायीबाट प्रति क्यू फि रू. २१- का दरले प्राप्त हुने रकम। (ए) जिल्ला विकास समितिको कोषबाट प्राप्त हुने रकम, (ऐ) अन्य कुनै श्रोतबाट कोषमा प्राप्त हुन आउने रकम। (३) कोषको परिचालन र तत्सम्बन्धी अन्य व्यवस्था तोकिए बमोजिम हुनेछ।
२४. संरक्षित वन भित्र वन व्यवस्थापन योजना : (१) संरक्षित वनमा गरिने वन सम्बन्धी	(१) नेपाल सरकारले संरक्षित वनको कार्ययोजना बनाई स्वयमले व्यवस्थापन गर्न सक्नेछ। (२) उपदफा (१) बमोजिम बाहेक संरक्षित

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कार्यहरूको व्यवस्थापनको लागि विभागले तोकिए बमोजिम कार्य योजना तयार गरी स्वीकृतीको लागि मन्त्रालय समक्ष पेश गर्नु पर्नेछ । (२) उपदफा (१) बमोजिम पेश भएको कार्य योजनामा कुनै हेरफेर गर्न आवश्यक देखेमा मन्त्रालयले त्यस्तो कार्य योजना विभागमा फिर्ता पठाउन सक्नेछ र आवश्यक हेरफेरसहित विभागबाट प्राप्त हुन आएपछि सो कार्य योजना मन्त्रालयले स्वीकृत गर्नेछ ।	सामुदायिक वन, संरक्षित कबूलियती वन, संरक्षित धार्मिक वन, संरक्षित साभेदारी वनको रूपमा जिल्ला वन कार्यालयले व्यवस्थापन गर्न सक्नेछ । यस्तो व्यवस्थापनको लागि जिल्ला वन कार्यालयले कार्ययोजना तयार गरी क्षेत्रीय वन निर्देशनालय मार्फत स्वीकृतीको लागि विभाग समक्ष पेश गर्नु पर्नेछ ।
२५. सामुदायिक वन सुम्पने : (१) उपभोक्ता समूहले कार्ययोजना बमोजिम वनको विकास, संरक्षण, उपयोग, व्यवस्थापन गर्न तथा स्वतन्त्र रूपले वन पैदावारको मूल्य निर्धारण गरी विक्री वितरण गर्न पाउने गरी जिल्ला वन अधिकृतले राष्ट्रिय वनको कुनै भाग तोकिए बमोजिम सामुदायिक वनको रूपमा उपभोक्ता समूहलाई सुम्पन सक्नेछ । त्यसरी सामुदायिक वन सुम्पदा जिल्ला वन अधिकृतले सामुदायिक वन हस्तान्तरणको प्रमाण-पत्र दिनेछ ।	२५. सामुदायिक वन सुम्पने : (१) उपभोक्ता समूहले सामुदायिक वन कार्ययोजना बमोजिम वनको विकास, संरक्षण, उपयोग र व्यवस्थापन गर्न पाउने गरी जिल्ला वन अधिकृतले राष्ट्रिय वनको कुनै भागलाई तोकिए बमोजिमको प्रक्रिया पुऱ्याई सामुदायिक वनको रूपमा उपभोक्ता समूहलाई हस्तान्तरण गर्न सक्नेछ । यसरी हस्तान्तरण गरिएको सामुदायिक वनबाट हस्तान्तरण भएको दुई आर्थिक वर्षपछि मात्र व्यवसाहिकरूपमा वन पैदावार उपयोग गर्न दिइनेछ । (१क) तराई मधेश तथा भित्री मधेशमा गाउँ वस्तीसग जोडिएका र ब्लक फरेष्टबाट छुट्टै रहेका वन क्षेत्र मात्र सामुदायिक वनको रूपमा हस्तान्तरण गरिनेछ । चुरे क्षेत्रमा सिमित उपभोक्ता आधारमा वन व्यवस्थापन गरिनेछ । सिमित उपयोगको तरिका तोकिए बमोजिम हुनेछ । (१ख) उपदफा (१) बमोजिम हस्तान्तरण भएको सामुदायिक वनको केही भाग उपभोक्ता समूह

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	भित्रीका गरीबीको रेखामुनी रहेका विपन्न परिवारको समूहलाई वनको संरक्षण र विकास हुनेगरी तोकिएका कार्यक्रम संचालनका लागि छुट्याउन सकिनेछ । (१ग) सामुदायिक वन हस्तान्तरण गर्दा प्रति घरधुरी तराई-मधेशको हकमा ०.५ हेक्टरसम्म, पहाडको हकमा २ हेक्टरसम्म र उच्च पहाडको हकमा ३ हेक्टरमा नवढाई सामुदायिक वनको क्षेत्रफल निर्धारण गरिनेछ । (१घ) सामुदायिक वन हस्तान्तरण सम्बन्धमा क्षेत्रफल र प्रति घरधुरीको अनुपात सम्बन्धमा कुनै कठिनाई उत्पन्न हुन आएमा मन्त्रालयले निर्देशन दिन सक्नेछ । (१ङ) कार्ययोजना बमोजिम सामुदायिक वनबाट उत्पादन हुने वन पैदावारको मूल्य निर्धारण र विक्री वितरण गर्दा अपनाउनु पर्ने प्रक्रिया तोकिए बमोजिम हुनेछ । तर सम्पन्नता स्तरीकरणको आधारमा गरिबीको रेखामुनीका विपन्न र अति विपन्न वर्गका उपभोक्ता, दैवि प्रकोप, धार्मिक तथा सांस्कृतिक कार्यका लागि कार्ययोजनामा तोकिए बमोजिम सहूलियत दरमा उपलब्ध गराउन सकिनेछ ।
२६. कार्य योजनामा संशोधन : (१) उपभोक्ता समूहले सामुदायिक वन व्यवस्थापन सम्बन्धी कार्ययोजनामा आवश्यकता अनुसार समयानुकूल संशोधन गर्न सक्नेछ र त्यस्तो संशोधनको जानकारी जिल्ला वन अधिकृतलाई दिनु पर्नेछ । (२) उपदफा (१) बमोजिम उपभोक्ता समूहले कार्य योजनामा गरेको संशोधनले वातावरणमा	२६. कार्य योजनामा संशोधन: (१) उपभोक्ता समूहले सामुदायिक वन व्यवस्थापन सम्बन्धी कार्ययोजना संशोधन गर्न जिल्ला वन अधिकृत समक्ष पेश गर्नुपर्नेछ । (२) यसरी पेश हुन आएको संशोधन प्रस्ताव जिल्ला वन अधिकृतले जाँचबुझ गर्दा प्रस्तावित संशोधनबाट वनको हैसियतमा सुधार हुने र वातावरणमा प्रतिकूल प्रभाव नहुने देखिएमा ६० दिन भित्र संशोधनको स्वीकृति दिनुसक्नेछ । यसरी संशोधन भएको कार्ययोजना स्वीकृती

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उल्लेखनीय प्रतिकूल असर पर्ने देखिएमा जिल्ला वन अधिकृतले त्यस्तो संशोधनको जानकारी प्राप्त भएको तीस दिनभित्र उपभोक्ता समूहलाई सो संशोधन लागू नगर्न निर्देशन दिन सक्नेछ र त्यस्तो निर्देशनको पालना गर्नु उपभोक्ता समूहको कर्तव्य हुनेछ।	भएको आर्थिक वर्ष पछिको आर्थिक वर्ष देखि कार्यान्वयन हुनेछ।
२७ (१क) उपदफा (१) मा जुनसुकै कुरा लेखिएको भएतापनि उपभोक्ता समूहका पदाधिकारीहरूको समुदायको हितको नाममा विधान र कार्ययोजना विपरित कुनै काम कारवाही गरेको भनी उपभोक्ताको उजुरी परेमा त्यस्ता पदाधिकारीलाई यस ऐन बमोजिम सजाय हुनेछ।	(१क) उपदफा (१) मा जुनसुकै कुरा लेखिएको भएतापनि उपभोक्ता समूहका पदाधिकारीहरूको समुदायको हितको नाममा विधान र कार्ययोजना विपरित कुनै काम कारवाही गरेको भनी उजुरी परेमा त्यस्ता पदाधिकारीलाई यस ऐन बमोजिम सजाय हुनेछ।
२८. सामुदायिक वन पुनः सुम्पन सकिने : दफा २७ को उपदफा (१) बमोजिम फिर्ता लिएको सामुदायिक वन सोही दफाको उपदफा (२) बमोजिम तत्सम्बन्धी निर्णय बढेर भएमा जिल्ला वन अधिकृतले साविककै उपभोक्ता समूहलाई पुनः सुम्पनु पर्नेछ। त्यस्तो निर्णय सदर भएमा जिल्ला वन अधिकृतले दफा २५ बमोजिमको प्रक्रिया पूरागरी उपभोक्ता समूह पुनर्गठन गरी सो सामुदायिक वन सुम्पनु पर्नेछ।	२८. सामुदायिक वन पुनः सुम्पन सकिने : दफा २७ को उपदफा (१) बमोजिम फिर्ता लिएको सामुदायिक वन सोही दफाको उपदफा (२) बमोजिम तत्सम्बन्धी निर्णय बढेर भएमा जिल्ला वन अधिकृतले साविककै उपभोक्ता समूहलाई पुनः सुम्पनु पर्नेछ। त्यस्तो निर्णय सदर भएमा जिल्ला वन अधिकृतले दफा २५ बमोजिमको प्रक्रिया पूरा गरी सामुदायिक वन पुनः सुम्पनु सक्नेछ।
३०. सामुदायिक वनलाई प्राथमिकता दिन पर्ने : यस ऐनमा अन्यत्र जुनसुकै कुरा लेखिएको भएता पनि सामुदायिक वनको	खारेज गरिएको।

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रूपमा उपभोक्ता समूहलाई सुम्पन उपयुक्त हुने राष्ट्रिय वनको कुनै पनि भागलाई कब्जालियती वनको रूपमा दिइने छैन।	
३०क. सामुदायिक वन विकासको लागि खर्च गर्नुपर्ने : सामुदायिक वन उपभोक्ता समूहले कार्ययोजना बमोजिम आर्जन गरेको आयबाट कमिमा २५ प्रतिशत रकम सामुदायिक वनको विकास, संरक्षण र व्यवस्थापन कार्यमा खर्च गर्नुपर्नेछ र बाँकी रकम अन्य विकास कार्यको लागि खर्च गर्न सक्नेछ।	३०क. कोषमा रकम जम्मा गर्नुपर्ने : सामुदायिक वनबाट कार्ययोजना बमोजिम उत्पादित काठ दाउरा उपभोक्ता समूह बाहिर बिक्री गर्दा तोकिए बमोजिम न्यूनतम मूल्यको ५० प्रतिशतको हिसावले नेपाल सरकारको सञ्चित कोषमा जम्मा गर्नुपर्नेछ। बाँकी आम्दानी सामुदायिक वन व्यवस्थापन, गरिवी निवारण र संस्थागत विकासको लागि तोकिए बमोजिम खर्च गरिने छ। ३०ख. उपभोक्ता समूहको क्षेत्र भित्र बन्धजन्तुको कारणले धनजनको क्षति भएमा उपभोक्ता समूहको स्वीकृतिले वन विकासको लागि छुट्याएको रकम मध्ये बन्ध जन्तुबाट हुने क्षतिको राहत तोकिए बमोजिम क्षतिपूर्ति दिन सक्नेछ।
	३१. कब्जालियती वन प्रदान गर्ने : नेपाल सरकारले देहायका उद्देश्यहरूको लागि राष्ट्रिय वनको कुनै भाग कब्जालियती वनको रूपमा प्रदान गर्न सक्नेछ (च) गरिवीको रेखामुनी रहेका जनताको जीवनस्तर उकास्न वनको संरक्षण र विकास हुनेगरी आय आर्जन हुने थप कार्यक्रम संचालन गर्ने। ३१क. दफा ३१ को खण्ड (च) बमोजिम हस्तान्तरित कब्जालियती वनमा नेपाल सरकारको स्वामित्वमा रहेका रूखहरूको संरक्षण गरे बापत उक्त रूखहरूबाट प्राप्त हुने आयको तोकिए बमोजिमको हिस्सा कब्जालियती वन समूहलाई दिइने छ।
३२. कब्जालियती वनको पट्टा : (१)	(३२) कब्जालियती वनको पट्टा : (१) दफा ३१ मा

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<p>दफा ३१ मा उल्लेखित उद्देश्यहरूको लागी कबुलियती वन लिन चाहने प्रचलित कानून बमोजिम स्थापित संगठित संस्था, उद्योग वा समुदायले कबुलियती वनको रूपमा लिन चाहेको वनको क्षेत्रफल र चार किल्ला, उद्देश्य प्राप्त गर्नको लागी गरिने कार्यहरूको योजनाबद्ध कार्यक्रम तथा तोकिएको अन्य विवरणहरू र आर्थिक सम्भाव्यता प्रतिवेदन सहित क्षेत्रीय वन निर्देशक समक्ष निवेदन दिनु पर्नेछ ।</p> <p>(२) उपदफा (१) बमोजिम कुनै निवेदन पत्र आएमा क्षेत्रीय वन निर्देशकले आवश्यक जांचबुझ गरी निवेदकले माग गरे बमोजिम वा त्यसमा घटवढ गरी कबुलियती वन प्रदान गर्न उपयुक्त देखिएमा आफ्नो सिफारिश सहित स्वीकृतिको लागी विभाग मार्फत मन्त्रालयमा लेखी पठाउनु पर्नेछ । त्यसरी लेखी पठाउंदा निवेदकको मागमा थपघट गरिएका भए निवेदकको सहमति लिनु पर्नेछ ।</p> <p>(३) उपदफा (२) बमोजिम स्वीकृतिको लागी लेखी आएपछि मन्त्रालयले तत्सम्बन्धी पत्र प्राप्त भएको मितिले तीस दिनभित्र स्वीकृति दिने नदिने कुराको निर्णय गर्नेछ र त्यसको जानकारी विभाग मार्फत क्षेत्रीय वन निर्देशकलाई दिनेछ ।</p> <p>(४) उपदफा (३) बमोजिम</p>	<p>उल्लेखित उद्देश्यहरूको लागी नेपाल सरकारले राष्ट्रिय वन क्षेत्रलाई प्रस्ताव आक्कान गरि प्रचलित कानून बमोजिम स्थापित संगठित संस्था, उद्योगलाई कबुलियती वनको रूपमा तोकिए बमोजिम पट्टा उपलब्ध गराउन सक्नेछ ।</p> <p>(२) उपदफा (१) मा जुनसुकै कुरा लेखिएको भएतापनि गरिवीको रेखामुनी रहेका समुदायले कबुलियती वनका लागी जिल्ला वन अधिकृत समक्ष निवेदन दिनु पर्नेछ र सो का लागी आर्थिक सम्भाव्यता प्रतिवेदन आवश्यक पर्ने छैन । गरिवीको रेखामुनि रहेका परिवारका लागी हस्तान्तरण गरिने कबुलियती वनको हकमा भने जिल्ला वन अधिकृतले नै स्वीकृत गर्न सक्नेछ र यसरी स्वीकृत गरी सकेपछि वन सम्बन्धी पट्टा तयार गरी निवेदकलाई पट्टा सहित कबुलियती वन प्रदान गर्नु पर्नेछ ।</p>

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<p>जानकारी प्राप्त भएपछि मन्त्रालयले स्वीकृति दिने निर्णय गरेकोमा त्यस्तो जानकारी प्राप्त भएको मितिले तीस दिनभित्र क्षेत्रीय वन निर्देशकले तोकिए बमोजिम, वनसम्बन्धी पट्टा तयार गरी तोकिएको दस्तुर लिई निवेदकलाई सो पट्टा सहित कबुलियती वन प्रदान गर्नु पर्नेछ र मन्त्रालयले स्वीकृति नदिने निर्णय गरेकोमा त्यस्तो जानकारी प्राप्त भएको मितिले तीन दिनभित्र त्यसको जनाउ निवेदकलाई दिनु पर्नेछ ।</p>	
	<p>३३ (३) दफा ३२ को उपदफा (२) बमोजिम प्रदान गरिएको कबुलियती वन जिल्ला वन अधिकृतले फिर्ता लिन निर्णय गर्न सक्नेछ । सो निर्णय उपर चित्र नबुझ्ने समुदायले क्षेत्रीय निर्देशक समक्ष उजुर गर्न सक्नेछ । त्यस्तो उजुरीमा क्षेत्रीय निर्देशकले गरेको निर्णय अन्तिम हुनेछ ।</p>
	<p>३४क. कार्ययोजना विपरित गर्नेलाई सजाय : कबुलियती वनमा कसैले सम्भौता वा कार्ययोजना विपरितको कुनै काम गरेमा वा हानी नोक्सानी पुऱ्याउने कार्य गरेमा त्यस्तो कार्य गर्ने व्यक्ति वा समूहलाई जिल्ला वन अधिकृतले राष्ट्रिय वनमा कसुर गरेसरह कारवाही गर्न सक्नेछ ।</p>
	<p>४२क. विधानमा संशोधन : दफा ४२ बमोजिम दर्ता गरिएको उपभोक्ता समूहले विधान संशोधनको लागी जिल्ला वन अधिकृत समक्ष पेश गर्नुपर्नेछ । यसरी पेश हुन आएको विधान संशोधन प्रस्ताव जिल्ला वन अधिकृतले जांचबुझ</p>

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	गर्दा उपयुक्त देखिएमा ३० दिन भित्र संशोधनको स्वीकृती दिन सक्नेछ ।
४३. (१) दफा ४१ बमोजिम गठित उपभोक्ता समूह अविच्छिन्न उत्तराधिकारवाला एक स्वशासित र संगठित संस्था हुनेछ ।	४३. (१) दफा ४१ बमोजिम गठित उपभोक्ता समूह अविच्छिन्न उत्तराधिकारवाला एक सार्वजनिक, स्वशासित संगठित संस्था हुनेछ ।
४४ (२) उपदफा (१) बमोजिम प्राप्त वार्षिक प्रतिवेदनका आधारमा जिल्ला वन कार्यालयले समबन्धित उपभोक्ता समूहलाई आवश्यक सुभाब दिन सक्नेछ ।	४४. (२) उपदफा (१) बमोजिम प्राप्त वार्षिक प्रतिवेदनको आधारमा जिल्ला वन कार्यालयले सम्बन्धित उपभोक्ता समूहलाई आवश्यक निर्देशन दिन सक्नेछ । यस्तो निर्देशन कार्यान्वयन गर्नु उपभोक्ता समूहको कर्तव्य हुनेछ ।
४९. राष्ट्रिय वनमा मनाही भएका कार्यहरू : (क) वन क्षेत्रको जग्गा फाँड्न, जोत्न, खन्न वा आबाद गर्न वा त्यस्तो जग्गामा घर छाप्नो बनाउन ।	४९. राष्ट्रिय वनमा मनाही भएका कार्यहरू : (क) वन क्षेत्रको जग्गा फाँड्न, जोत्न, खन्न वा आबाद गर्न, सडक तथा अन्य पूर्वाधार निर्माण गर्न वा त्यस्तो जग्गामा घर छाप्नो बनाउन, व्यवसाय संचालन गर्न वा वन क्षेत्रको जग्गा अतिक्रमण गर्न र सो गर्ने गराउने उद्देश्यले उक्साउन ।
५०. दण्ड सजाय : (क) दफा ४९ को खण्ड (क) अन्तर्गतको कसूर गर्नेलाई त्यस्तो जग्गा राष्ट्रिय वनमा समावेश गरी दशहजार रूपैयासम्म जरिवाना वा एक वर्षसम्म कैद वा दुवै सजाय हुनेछ र सो जग्गामा बनाएको घर वा छाप्नो समेत जफत हुनेछ । त्यस्तो कसूर गर्दा वन पैदावार हटाएको वा नोक्सानी गरेको भए निजलाई सो वापत हुने सजाय समेत हुनेछ । (ख) दफा ४९ को खण्ड (ख) अन्तर्गतको कसूर गर्नेलाई विगो	५०. दण्ड सजाय : (क) दफा ४९ को खण्ड (क) अन्तर्गतको कसूर गर्नेलाई त्यस्तो जग्गा राष्ट्रिय वनमा समावेश गरी दश हजारदेखी चास हजार रूपैयासम्म जरिवाना वा दुई वर्षसम्म कैद वा दुवै सजाय हुन सक्नेछ र सो जग्गामा बनाएको घर वा छाप्नो समेत जफत हुनेछ । त्यस्तो कसूर गर्दा वन पैदावार हटाएको वा नोक्सानी गरेको भए निजलाई सो वापत हुने सजाय समेत हुनेछ । (ख) दफा ४९ को खण्ड (ख) अन्तर्गतको कसूर गर्नेलाई विगो अतिक्रमणकारीलाई सरह नै दण्ड सजाय र कैद समेत हुनेछ । (ख) दफा ४९ को खण्ड (ख) अन्तर्गतको कसूर गर्नेलाई विगो असूल गरी बीस हजार रूपैयासम्म जरिवाना वा दुई वर्षसम्म कैद वा दुवै सजाय

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असूल गरी दश हजार रूपैयासम्म जरिवाना वा एक वर्षसम्म कैद वा दुवै सजाय हुनेछ । (ग) दफा ४९ को खण्ड (ग) अन्तर्गतको कसूर गर्नेलाई प्रत्येक चौपायाको देहायका दरले जरिवाना हुनेछ- (१) भेडा, बाखा जात पचास रूपैया देखि एकसय रूपैया सम्म । (२) हात्ती, ऊँट दुई हजार रूपैया देखि पाँच हजार रूपैया सम्म । (३) अन्य चौपाया पचास रूपैया देखि दुई सय रूपैया सम्म । (३) दफा ४९ को खण्ड (ग) अन्तर्गतको कसूर गर्नेलाई विगो असूल गरी दश हजार रूपैयासम्म जरिवाना वा एक वर्ष सम्म कैद वा दुवै हुनेछ ।	हुनेछ । (ग) दफा ४९ को खण्ड (ग) अन्तर्गतको कसूर गर्नेलाई प्रत्येक चौपायाको देहायका दरले जरिवाना हुनेछ- (१) भेडा, बाखा जात पचास रूपैया देखि एकसय रूपैया सम्म । (२) हात्ती, ऊँट दुई हजार रूपैया देखि पाँच हजार रूपैया सम्म । (३) अन्य चौपाया पचास रूपैया देखि दुई सय रूपैया सम्म । (३) दफा ४९ को खण्ड (ग) अन्तर्गतको कसूर गर्नेलाई विगो असूल गरी दश हजार रूपैयासम्म जरिवाना वा एक वर्ष सम्म कैद वा दुवै हुनेछ ।
५० (२) दफा १६ को उपदफा (१) अन्तर्गतको कसूर गर्ने व्यक्ति वा सरकारी कर्मचारीलाई दश हजार रूपैयासम्म जरिवाना वा दुई वर्षसम्म कैद वा दुवै सजाय हुनेछ ।	(२) दफा १६ को उपदफा (१) अन्तर्गतको कसूर गर्ने व्यक्ति वा सरकारी कर्मचारीको मिलोमतो देखिएमा अन्य कसुरदारलाई भए भन्दा दोब्बर दण्ड जरिवाना र कैद हुनेछ ।
	५० (३) तत्काल सजाय गर्न सक्ने : यस ऐनमा अन्यत्र जुनसुकै कुरा लेखिएको भएतापनि कम्तिमा सहायक वन अधिकृत स्तरसम्मको वन कर्मचारीले देहायको कसुर गर्नेलाई तत्काल देहाय बमोजिमको जरिवाना गर्न सक्नेछः (क) दफा ४९ को खण्ड (ग) अन्तर्गतको कसुर (ख) मौरी घर राखी चरिचरण गर्ने (ग) दाउराः (१) टुक, बस, ट्रेक्टरमा अतिरिक्त बोभको रूपमा

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	<p>लोड गरी पाच क्विन्टल सम्म ल्याएको हकमा विगो जफत गरी पाँच हजार रूपैयांसम्म जरिवाना ।</p> <p>(२) गाडा, रिक्सा, ठेला, साईकल, घोडा, खच्चड आदिमा लोड गरी दुई क्विन्टल सम्म ल्याएको हकमा विगो जफत गरी दुई हजार रूपैयांसम्म जरिवाना ।</p> <p>(३) मानिसले भारी बोकि ल्याएकोमा परिमाण हेरी विगो जफत गरी पाच सय रूपैयांसम्म जरिवाना ।</p> <p>(घ) जडिवुटी तथा गैरकाष्ठ वन पैदावार : (१) प्रतिबन्धित जडिवुटी बाहेकका पाँच सय रूपैयाँ सम्म विगो भएका जडिवुटी भएमा विगो जफत गरी विगोको दोब्बर जरिवाना गर्ने । (ङ) टुंगा, गिट्टि, बालुवा र माटो : (१) माटो खनिरहेको अवस्थामा फेला परेमा सो कार्य गर्ने गराउनेलाई मानिसको हकमा पाच सय रूपैयाँ सम्म । (२) गाडा, रिक्सा, ठेला, साईकल जस्ता बोभ वाहकमा ल्याएको अवस्थामा विगो जफत एक हजार रूपैयाँ सम्म जरिवाना ।</p>
६५. मुद्दा हेर्ने अधिकारी : (१) यस ऐन अन्तर्गत दश हजार रूपैयांसम्म जरिवाना वा एक वर्षसम्म कैद वा दुवै सजाय हुने मुद्दा जिल्ला वन अधिकृतले कारवाही र किनारा गर्नेछ ।	६५. मुद्दा हेर्ने अधिकारी : (१) यस ऐन अन्तर्गत एक लाख रूपैयांसम्म जरिवाना वा एक वर्षसम्म कैद वा दुवै सजाय हुने मुद्दा जिल्ला वन अधिकृतले कारवाही र किनारा गर्नेछ ।
६६. वरामद भएको माल वस्तु जफत हुने : यो ऐन बमोजिम सजाय हुने कसूर गरेको ठहरिएमा कसूरमा वरामद भएका सबै बोभवाहक, औजार, चौपाया र अन्य साधनहरू जफत हुने छन् ।	६६. वरामद भएको माल वस्तु जफत हुने : यो ऐन बमोजिम सजाय हुने कसूर गरेको ठहरिएमा कसूरमा वरामद भएका सबै बोभवाहक, औजार, चौपाया र अन्य साधनहरू जफत हुने छन् । तर विगो दश हजार रूपैयाभन्दा कमि मोल पर्ने वन पैदावार लादी ल्याउने "गाडा, साइकल,

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तर विगो दश हजार रूपैयाभन्दा कमि मोल पर्ने वन पैदावार लादी ल्याउने ट्रेक्टर, ट्रक, लहरी मोटर र अन्य सवारी साधनको हकमा त्यस्तो सवारी साधन जफत नगरी उक्त कार्य गर्नेलाई अन्य दफाले हुने सजायमा दश हजार रूपैयासम्म थप सजाय हुनेछ ।	रिक्सा, ट्रयाम्पो बाहेक" ट्रेक्टर, ट्रक, लहरी मोटर र अन्य सवारी साधनको हकमा त्यस्तो सवारी साधन जफत नगरी उक्त कार्य गर्नेलाई अन्य दफाले हुने सजायमा दश हजार रूपैयासम्म थप सजाय हुनेछ ।
६७ नेपाल सरकारको भू-स्वामित्व रहने : यस ऐन बमोजिमको सामुदायिक वन, कृषियती वन, धार्मिक वन, सरकारीद्वारा व्यवस्थित वन, संरक्षित वन, सामुदायिक वन लगायत सबै खाले राष्ट्रिय वनको भू-स्वामित्व नेपाल सरकारमा रहनेछ ।	६७ यस ऐन बमोजिमको सामुदायिक वन, कृषियती वन, धार्मिक वन, सरकारीद्वारा व्यवस्थित वन, संरक्षित वन, सामुदायिक वन लगायत सबै खाले राष्ट्रिय वनको भू-स्वामित्व नेपाल सरकारमा रहनेछ ।
६८. वन प्रयोग गर्न सक्ने : (१) यस ऐनमा अन्यत्र जुनसुकै कुरा लेखिएको भएतापनि राष्ट्रिय प्राथमिकता प्राप्त योजना सञ्चालन गर्न वनको प्रयोग गर्नु बाहेक अन्य कुनै पनि विकल्प नभएमा र त्यस्तो योजना सञ्चालन गर्दा वातावरणमा उल्लेखनीय प्रतिकूल असर नपर्ने भएमा त्यस्तो योजना सञ्चालन गर्नको निमित्त नेपाल सरकारले सरकारद्वारा व्यवस्थित वन, संरक्षित वन, सामुदायिक वन, कृषियती वन वा धार्मिक वनको कुनै भाग प्रयोग गर्न स्वीकृत दिन सक्नेछ ।	६८. वन प्रयोग गर्न सक्ने : (१) यस ऐनमा अन्यत्र जुनसुकै कुरा लेखिएको भएतापनि राष्ट्रिय प्राथमिकता प्राप्त योजना सञ्चालन गर्न वनको प्रयोग गर्नु बाहेक अन्य कुनै पनि विकल्प नभएमा र त्यस्तो योजना सञ्चालन गर्दा वातावरणमा उल्लेखनीय प्रतिकूल प्रभाव नपर्ने भएमा त्यस्तो योजना सञ्चालन गर्नको निमित्त नेपाल सरकारले राष्ट्रिय वनको कुनै भाग तोकिए बमोजिम प्रयोग गर्न स्वीकृत दिन सक्नेछ ।
	७०ग. वखिलाप सम्बन्धी व्यवस्था : वन पैदावारमा

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	आधारित उद्योगहरूले यस ऐनको दफा ५७ बमोजिम खानतलासी गर्दा यस ऐन अन्तर्गत बनेका नियमावली र निर्देशिका विपरित वन पैदावार ल्याई प्रयोग गरेको वा राखेको फेला परेमा विगो जफत गरी यस ऐन बमोजिम हुने सजायमा दूई लाख रूपैयासम्म थप जरिवाना गरिने छ ।
	७१ख. सुराकीलाई प्रोत्साहन मत्ता दिने सम्बन्धी व्यवस्था : कसुर हुन लागेको सुराक दिने, अपराधी पक्राउ गर्न सहयोग गर्ने कर्मचारी वा संस्था वा व्यक्तिलाई कसुरदातालाई हुने जरिवानाको ३० प्रतिशत पुरस्कार दिइनेछ ।