

**FOREST ACT 2049 (1993)**  
**(OFFICIAL TRANSLATION)**

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## **Forest Act, 2049 (1993)**

Date of the Royal Seal and the Publication

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Act No.49 of 2049 (1993)

### **An Act Made For Proper Management and Conservation of Forests**

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

Now, therefore, the parliament has made this Act in the twenty first year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

#### Chapter-1

##### Preliminary

1. Short Title and Commencement: (1) This Act may be called the "Forest Act,2049 " (1993).  
(2) This Act shall come into force on such date as His Majesty's Government by notification published in Nepal Gazette, may specify.
2. Definitions: In this Act, unless the subject or context otherwise requires,-
  - (a) "Forest" means an area fully or partly covered by trees.
  - (b) "Forest Boundary Mark" means a pillar or signboard made of timber, stone, cement or any other material installed for the demarcation of National Forest boundaries and the term shall also includes the Forest Boundary Mark indicated in the maps prepared by surveying and measuring the lands pursuant to prevailing laws.
  - (c) "Forest Products" means the following products which are contained or found in or brought from forests:-
    - (1) Timber, firewood, charcoal, catechu, rosin, wood-oil, bark, lac, pipla, pipli (piper longum), or

- (2) Trees, leaves, fruits, flowers, mahwa (*bassia longifolia*), chiraito (*swertia chiretta*), Kutki(*picorhiza Kurroa*) and all kinds of wild herbs, vegetation and different parts or organs thereof, or
  - (3) Boulders, soil , stones, pebbles, sand, or
  - (4) Birds, wild lives and trophies thereof.
- (d) "Work Plan" means an Work Plan relating to Forests prepared for the development and conservation of the Forests and utilizing selling and distributing of the Forest Products by maintaining the environmental balance and approved under this Act.
  - (e) "National Forest" means all Forests excluding Private Forests within the Kingdom of Nepal , whether marked or unmarked with Forest Boundary and the term shall also includes waste or uncultivated lands or unregistered lands surrounded by the Forest or situated near the adjoining Forest as well as paths, ponds, lakes, rivers or streams and riverine lands within the Forest.
  - (f) "Government Managed Forest" means a National Forest to be managed by His Majesty's Government pursuant to chapter-3.
  - (g) "Protected Forest" means a National Forest declared by His Majesty's Government as a Protected Forest pursuant to this Act, considering it to be of special environmental, scientific or cultural importance.
  - (h) "Community Forest" means a National Forest handed over to an users' group pursuant to Section 25 for its development, conservation and utilization for the collective interest.
  - (i) "Leasehold Forest" means a National Forest handed over as a Leasehold Forest pursuant to Section 32 to any institution established under prevailing laws, industry based on Forest Products or community for the purposes mentioned in Section 31.
  - (j) "Religious Forest" means a National Forest handed over to any religious body, group or community pursuant to Section 35 for its development, conservation and utilization.
  - (k) "Private Forest" means a Forest planted, nurtured or conserved in any private land owned by an individual pursuant to prevailing laws.
  - (l) "Ministry " Means the Ministry of Forest and Soil Conservation of His Majesty's Government.
  - (m) "Department" means the Department of Forest of His Majesty's Government.
  - (n) "District Forest Officer" means the chief of a District Forest Office.
  - (o) "Forest Officer" means the gazetted technical employees of all classes deputed to the Department and its subordinate offices.
  - (p) "Forest Assistant" means non- gazetted technical employees.

- (q) "Committee" means the Committee constituted pursuant to Section 9.
- (r) "Users' Group" means an Users' Group registered pursuant to Section 42 for the management and utilization of a Community Forest.
- (s) "Forest Lease" means a lease provided under Section 32.
- (t) "Leaseholder" means a person who has obtained a Forest Lease under section 32.
- (u) "Tools" means all categories of agricultural tools used for reclaiming or ploughing forest areas as well as khukuris (curved knife), axes, saws and machines used for cutting or peeling trees and plants.
- (v) " Load Carrier" means carts, trucks, lorries, motor-cars, tractors, boats or similar other means or animals used for the transportation of Forest Products.
- (w) "Quadruped" means four-footed pet animal of any breed.
- (x) "Marking" means any seal, sign or symbol to be affixed on any timber or standing tree.
- (y) "Prescribed" or "As Prescribed" means prescribed or as prescribed in the Rules made under this Act.

## Chapter - 2

### Demarcation of Boundaries of National Forests and Other Provisions

3. Forest Boundaries: The District Forest Officer may demarcate the boundaries of the National Forests of concerned district and install the Forest Boundary Marks subject to the matters written in this chapter.
4. Notice of Land Acquisition: (1) While demarcating the boundaries of any National Forest pursuant to Section 3, in case any public land or private land belonging to any person and any house or hut constructed on such land within or adjoining a National Forest have to be incorporated within the Forest Boundaries for the protection of the Forest or its boundaries, the District Forest Officer shall have to affix a public notice with the reasons for taking such action and informing about the acquisition of such land at the residence of the concerned person as well as at the Office of the Village Development Committee or Municipality, the Revenue Office or Land Revenue Office and the place where the land is located in a way to be seen by all persons.
  - (2) The following details also shall have to be mentioned in the notice pursuant to sub-section (1):-
    - (a) Area of the land or house to be acquired and boundaries and category of the land,

- (b) A notice informing the concerned persons who have right to such land or are using such land that they may file a claim for compensation along with the evidence of their title to the District Forest Officer within Seventy days after the affixture of the notice or after they get information thereof, excluding the time required for the journey and that no complaint shall be entertained if they do not file an application within such time limit.
5. Complaints Against the Acquisition of House and Land: (1) If a notice affixed regarding the acquisition of house and land pursuant to sub-section (1) of Section 4, any concerned person who is not satisfied with such notice may file a complaint to the Committee within Thirty Five days after the affixture of the notice, excluding the times required for the journey.
- (2) The committee shall take a decision after conducting necessary investigations into the complaint filed pursuant to sub-section (1).
- (3) The person who is not satisfied with the decision taken by the committee pursuant to sub-section (2) may file an appeal to the Appellate Court within Thirty Five days from the date of receipt of such notice.
6. Amount of Compensation: (1) The committee shall have to take the following matters into consideration while determining the amount of compensation for house and lands to be acquired under this chapter:-
- (a) Value of the house and land at the rate prevalent in the village market, on the date when a notice is issued pursuant to sub-section (1) of Section 4.
- (b) In case standing crops and trees on such lands are also to be acquired, the losses which the concerned person will suffer.
- (c) In case the concerned person is compelled to quit his residence or the place of concern and shift elsewhere, reasonable expenses to be incurred while doing so.
- (2) The District Forest Officer shall have to send a notice to the concerned person directing him to claim such amount, after the amount of compensation is determined pursuant to sub-section (1).
- (3) The person who is not satisfied with the amount of compensation may file an appeal to the Ministry within Thirty Five days from the date of the receipt of the notice pursuant to sub-section (2) . The decision taken by the Ministry on such appeal shall be final.
- (4) The amount of compensation shall be deposited to the consolidated fund, if such amount shall not be taken within Five years from the date of receipt of the notice pursuant to sub-section (2) or the decision taken pursuant to sub-section (3).
7. Compensation to be Given: The District Forest Officer shall have to pay the amount determined for the compensation pursuant to sub-section (1) of Section 6 to the concerned person from the government fund.

8. Land to be Occupied: The District Forest Officer may take possession of such house and land after issuing a notice to the effect that the amount of compensation is determined pursuant to sub-section (2) of Section 6 , and with effect from such date such house and land shall belong to His Majesty's Government.

9. Constitution of the Committee: For the purpose of this chapter, a Committee shall be constituted as follows in each District:-

- |     |  |                   |
|-----|--|-------------------|
| (a) | Chief District Officer -   | Chairman          |
| (b) | A member designated by the District Development Committee -                                | Member            |
| (c) | Chairman of the concerned Village Development Committee or the Mayor of the Municipality - | Member            |
| (d) | Land Revenue Officer-  | Member            |
| (e) | District Government Advocate -   | Member            |
| (f) | Chief of the Maintenance Survey Branch in the district -                                   | Member            |
| (g) | District Forest Officer or a Forest Officer designated by him -                            | Member -Secretary |

10. On the spot Enquiry to be made: If necessary, the District Forest Officer may conduct a local enquiry regarding the co-partner, contractor or mortgage creditor of the persons who have right to the houses or land that is to be acquired or persons cultivating the land and the rent, tax or profit on such land during the last Three years.

11. Restriction on Inclusion or Acquisition of Private Land within the Boundaries of National Forest: Notwithstanding anything contained elsewhere in this chapter, any private land or house to be included within the boundaries of the National Forest or such land or house to be acquired, only subject to the following provisions:-

(a) Private land and the house built on that land outside the National Forest which have been registered according to the Law shall not be acquired except when it is essential to do so for the protection of National Forest or the boundaries thereof and in case such land and the house are to be acquired in such manner the land in excess of two bighas in the Tarai and four ropanis in the valley and the hilly region shall not be acquired without having a prior approval of His Majesty's Government and land in excess of five bighas in the Tarai and ten ropanis in the valley and the hilly region shall in no circumstances be acquired unless the land owner has given his consent.

(b) Land and house which are registered in the name of any person and which are surrounded on all sides by a National Forest or situated within a National Forest may be acquired and included within the boundaries of the National Forest.

12. Acquisition of Entire Land: While taking action to acquire some parts of a land pursuant to this chapter , in case the owner of such land requests that the entire house and land be acquired by His Majesty's Government, and in case the applicant has only two bighas or less of land there, action shall not be taken to acquire only some parts thereof. The entire house and land must be acquired pursuant to this chapter.
13. District Forest Officer and Committee shall Exercise the Powers of a Court: Both the District Forest Officer and the Committee shall exercise the powers of a court pursuant to prevailing laws in respect to summoning the concerned persons and their witness, examining the evidence, prescribing dates for appearance and a document to be prepared by them for the purpose of taking decisions on any matter presented to them pursuant to this chapter.
14. Removal of Entries of Private land From the Records: (1) In case the private land of any person is acquired pursuant to this chapter and included within a National Forest, the District Forest Officer shall send information to the local Revenue Office or Land Revenue Office mentioning full details of such acquired private land, including the area, boundaries and village etc. and the Land Revenue Office, on its part, shall take action to remove the entry of the Land Revenue or tax Levied on such Land from the records and shall have to inform to the Department of Land Revenue of His Majesty's Government accordingly.

(2) The owner of any land whose entry is removed from the records pursuant to sub-section (1) need not pay Land Revenue or any tax on such land with effect from the date when the land is included within a National Forest.
15. Force May be Used: If any person opposes or causes any obstruction to the District Forest Officer while carrying out any action pursuant to this chapter or while taking possession of any house or land, he may carry out action and take possession of the house or land by using necessary force.
16. Land not to be Registered: (1) No person shall register or cause to be registered land within the National Forest.

(2) Even in case the land mentioned in sub-section (1) have been registered, such land cannot be claimed simply by virtue of such registration, which shall be ipso facto cancelled.

(3) In case any person had registered any part of a National Forest in his name in an illegal manner without the permission of His Majesty's Government before the commencement of this Act, such registration shall be ipso facto cancelled after the commencement of this Act and the entry thereof shall be removed from the records.
17. No Person to have any Rights in the National Forest: Except when any right or facility has been obtained through a lease or permit or in any other way from His Majesty's Government or the authority empowered by His Majesty's Government, no person shall have any right or facility of any type in the National Forest.

18. Rights over the National Forest not to be sold: No person shall sell mortgage, gift, donate, exchange or otherwise alienate the right or facility that he has obtained over the National Forests to any other, except according to an order of His Majesty's Government.
19. Power to Close the Paths and Streams Within the National Forest: For the purpose of developing and conserving Forest, His Majesty's Government, or the authority empowered by His Majesty's Government, may close any private or public path or stream within the National Forest.

Provided that, before such closure, alternative paths or streams which are equally convenient shall have to be made available as far as possible.

### Chapter-3

#### Provisions Relating to the Government Managed Forest

20. Work Plan: (1) The Department shall prepare a Work Plan As Prescribed for the management of the Government Managed Forest and shall have to submit it to the Ministry for approval.
- (2) The Ministry may send back the Work Plan to the Department, if it is deemed necessary to make any alterations in the Work Plan submitted pursuant to sub-section (1) and the Ministry shall approve such Work Plan after it is received from the Department with necessary alterations.
- (3) The District Forest Officer shall implement the Work Plan approved pursuant to sub-section (2) in his district.
21. Prohibition to Operate other Functions in the Government Managed Forest: No function shall be operated in the Government Managed Forest, other than prescribed in the Work Plan and forestry development operations.
22. Ownership and Sale or Distribution of the Forest Products of Government Managed Forest :
- (1) The ownership of the Forest Products of the Government Managed Forest shall be vested in His Majesty's Government.
- (2) The Prescribed Officer may grant license As Prescribed for the utilization, removal or sale and distribution, export or transportation of the Forest Products pursuant to sub-section(1).
- (3) The price or fees of the Forest Products to be made available under license pursuant to sub-section (2) shall be As Prescribed.

### Chapter-4

#### Provisions Relating to the Protected Forest

23. Protected Forest: If His Majesty's Government considers that any part of a National Forest is of special environmental, scientific or cultural importance or of any other special importance, it may declare such part of the National Forest as a Protected Forest.

(2) After the declaration of any part of a National Forest as a Protected Forest by His Majesty's Government pursuant to sub-section (1), it shall have to publish a notification in the Nepal Gazette.

24. Forest Management Plan Within the Protected Forest: (1) The Department shall prepare a Work Plan As Prescribed for the management of functions relating to the Forest to be undertaken in a Protected Forest, and submit it to the Ministry for approval.

(2) The Ministry may send back the Work Plan to the Department, if it is deemed necessary to make any alterations in the Work Plan submitted pursuant to sub-section (1) and the Ministry shall approve such Work Plan after it is received from the Department with necessary alterations.

(3) The District Forest Officer shall implement the Work Plan approved pursuant to sub-section (2).

(4) The District Forest Officer shall have the power to issue license As Prescribed for the implementation of the Work Plan approved pursuant to sub-section (2) and to issue notices of any types to be required for the effective implementation of such Work Plan.

## Chapter-5

### Provisions Relating to the Community Forest

25. Handover of The Community Forest: (1) The District Forest Officer 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 Work Plan. While so handing over a Community Forest, the District Forest Officer shall issue a certificate of alienation of the Community Forest.

(2) The District Forest Officer may constitute a Users' Group As Prescribed by mobilizing users and provide technical and other assistance required to prepare the Work Plan for the purpose of sub-section (1).

26. Amendment In The Work Plan: (1) As per requirement the Users' Group may make timely amendments in the Work Plan relating to the management of the Community Forest, and shall inform to the District Forest Officer regarding such amendments.

(2) If any amendment made in the Work Plan by the Users' Group pursuant to sub-section (1), is considered likely to affect adversely in the environment in a significant manner, the District Forest Officer may direct the Users' Group not to implement such amendment within Thirty days from the date when he receives such information. It shall be the duty of the Users' Group to comply with such directives.

27. Community Forest May Be Taken Back: (1) In case the Users' Group cannot operate its functions in accordance with the work plan in the Community Forest handed over pursuant to Section 25 or operates any functions which may cause significant adverse effect in the environment or does not comply with the terms and conditions to be complied pursuant to this Act or the Rules made thereunder, the District Forest Officer, may decide to cancel the registration of such Users' Group and take back such Community Forest As Prescribed.
- Provided that, such Users' Group shall be given reasonable time to submit its clarification before making decision to cancel the registration of the User's Group and take back the Community Forest.
- (2) The Users' Group which is not satisfied with the decision made by the District Forest Officer pursuant to sub-section (1), may file a complaint to the Regional Forest Director As Prescribed. The decision made by the Regional Forest Director in respect to such complaint shall be final.
28. Community Forest May be Re-handed Over: The District Forest Officer shall have to re-hand over the Community Forest taken back pursuant to Sub- Section (1) of Section 27 to the same Users' Group , in case the decision related thereof is cancelled pursuant to sub-section (2) of the same Section. In case such decision is approved, the District Forest Officer may reconstitute the Users' Group and handover such Community Forest by completing the procedures As Prescribed in Section 25.
29. Punishment for Contravening the Work Plan: In case any User Operates any function to be contravene to the Work Plan in the Community Forest, the concerned Users' Group may impose an appropriate punishment and may also realize the amount involved therein, if there has been any loss or damage.
30. Priority to be Given to the Community Forest: Notwithstanding anything contained elsewhere in this Act, any part of the National Forest suitable to handover to the Users' Group as Community Forest shall not be handed over as Leasehold Forest.

## Chapter-6

### Provisions Relating to the Leasehold Forest

31. Grant of Leasehold Forest: His Majesty's Government may grant any part of the National Forest in the form of Leasehold Forest for the following purposes:-
- (a) To produce raw materials required for the industries based on Forest Products.
  - (b) To sell and distribute or utilize the Forest Products by promoting its production through afforestation.
  - (c) To operate the tourism industry in a way that is compatible with the conservation and development of the Forest.

- (d) To operate agro-forestry in a way that is compatible with the conservation and development of the Forest.
- (e) To operate farm of insects, butterflies and wildlives in a way that is compatible with the conservation and development of the Forest.

32. Lease of Leasehold Forest: (1) Any corporate body, industry or community established under the prevailing law which desires to take the Leasehold Forest for the purposes mentioned in Section 31, shall have to submit an application to the Regional Forest Director mentioning the area and boundaries of the Forest to be taken as Leasehold Forest planned programmes of the operations to be carried out to achieve the objectives and Prescribed other details and the economic feasibility report.

(2) In case any application is submitted pursuant to sub-section (1), the Regional Forest Director shall make an enquiry upon it and if he deems appropriate to grant the Leasehold Forest as demanded by the applicant or with some alteration to it, he shall have to send it in writing to the Ministry through the Department for the approval along with his recommendation. While writing this, the consent of the applicant shall have to be taken, in case there is any alteration being made in the demand of the applicant.

(3) On the receipt of the letter for the approval pursuant to sub-section (2) the Ministry shall, within thirty days from the date of the receipt of such letter decide that whether the approval should be given or not and shall give information of its decision to the Regional Forest Director through the Department.

(4) On the receipt of the information pursuant to sub-section (3), in case the Ministry has decided to give approval, the Regional Forest Director shall prepare the Forest Lease As Prescribed within thirty days from the date of the receipt of such information and shall have to grant the Leasehold Forest along with Forest Lease to the applicant taking the Prescribed fees and in the case that the Ministry has decided not to give approval, he shall have to give notice to the applicant within three days from the date of the receipt of such information.

33. Leasehold Forest May be Taken Back: (1) In case the lease Holder cannot operate its functions in accordance with the Forest Lease in the Leasehold Forest granted pursuant to Section 32 or Operates any functions which may cause significant adverse effect in the environment or does not comply with the terms and conditions to be complied pursuant to this Act or the Rules made thereunder, the Regional Forest Director may decide to cancel the Forest lease and take back such Leasehold Forest As Prescribed.

(2) The Lease Holder who is not satisfied with the decision made by the Regional Forest Director pursuant to sub-section (1), may file a complaint to the Appellate Court within thirty five days from the date of the receipt of such decision.

34. Paths, Streams May be Closed within the Leasehold Forest: In case any person's private or public paths or streams within the Leasehold Forest has to be closed, the concerned Lease Holder shall have to provide another path or stream as convenient as the former as far as possible prior to such closure.

## Chapter-7

### Provisions Relating to Religious Forest

35. Religious Forest: (1) Any religious body, group or community desirous to develop, conserve and utilize the National Forest of any religious place or its surroundings, shall have to submit an application to the District Forest Officer mentioning the area and boundaries of such Forest, the functions to be carried out in such Forest and other details As Prescribed.

(2) On the receipt of an application pursuant to sub-section (1), the District Forest Officer shall make necessary enquiry and handover such Forest to the religious body group or Community as a Religious Forest according to the demand made by the applicant or with some alteration to it. While so handing over the Forest, an arrangements shall have to be made to ensure the rights and interests of its traditional users.

36. Operation of the Activities Related with Forest in Religious Forest: The concerned religious body, group or community may utilize the Forest products contained in the Religious Forest for the religious activities other than commercial purposes.

Provided that, the trees cannot be felled in such a way that it may cause significant adverse effect in the environment or damage or loss publicly or soil erosion in the watershed area.

37. Religious Forest may be Taken Back: (1) In case the concerned religious body, group or community operates any function contrary to Section 36 in the Religious Forest handed over pursuant to Section 35 or cannot operate the functions to be operated in the Religious Forest or does not comply with the terms and conditions to be complied pursuant to this Act or the Rules made thereunder, the District Forest Officer may decide to take back such Religious Forest.

Provided that, the concerned religious body, group or community shall be given reasonable opportunity to submit its clarification before making decision to take back the Religious Forest.

(2) The religious body, group or community which is not satisfied with the decision made by the District Forest Officer pursuant to sub-section (1), may file a complaint to the Regional Forest Director As Prescribed. The decision made by the Regional Forest Director in respect to such complainant shall be final.

## Chapter-8

### Provisions Relating to the Private Forest

38. Provisions Relating to the Private Forest: The owner of the Private Forest may develop, conserve and manage the Private Forest and utilize or sell and distribute the Forest Product by fixing their prices according to his own will.

39. Certificate of Private Forest: (1) Any person or institution desirous to register a Private Forest may apply to the District Forest Office for the registration of such Private Forest.
- (2) The District Forest Officer shall issue a certificate As Prescribed after maintaining necessary records of the application received pursuant to sub-section (1).
- (3) The District Forest Office may provide necessary technical assistance to the owner of the Private Forest who have obtained a certificate pursuant to sub-section (2).
40. To remain in the Ownership of His Majesty's Government: (1) The trees remained in the resided or rehabilitated land from the very beginning of its award shall remain in the ownership of His Majesty's Government.
- (3) His Majesty's Government shall have to remove such trees as soon as possible. A person who removes the trees mentioned in sub-section (1) without permission shall be punished as if he has committed the offence in the National Forest.

## Chapter -9

### Provisions Relating to the Constitution of Users' Group

41. Constitution of Users' Group: The users relating to any Forest desirous to utilize the Forest Product by developing and conserving such Forest for the collective interest may constitute the Users' Group As Prescribed.
42. Registration of the Users' Group: (1) For the registration of the Users' Group constituted pursuant to Section 41, an application shall have to be submitted to the District Forest Officer in the Prescribed form along with the constitution of the Users' Group.
- (2) On the receipt of the application pursuant to sub-section (1), the District Forest Officer shall make necessary enquiry and register such Users' Group As Prescribed and shall have to be given the certificate of registration in the Prescribed form.
- (3) The Users' Group undertaking the management of the Community Forest pursuant to the Work Plan under the Forest Act, 1961, shall also have to submit an application for the registration pursuant to sub-section (1) within one year from the date of commencement of this Act.
- (4) The District Forest Officer may provide necessary assistance for the purpose of sub-section (3).
43. The Users' Group to be a Corporate Body: (1) The Users' Group constituted pursuant to Section 42 shall be an autonomous and corporate body having perpetual secession.
- (2) The Users' Group shall have a separate seal of its own.
- (3) The Users' Group as a person may acquire, possess or transfer or otherwise manage movable and immovable property.

- (4) The Users' Group as a person may sue or be sued in its own name.
44. Report to be Submitted: (1) The Users' Group shall have to submit an annual report of its activities to the District Forest Officer specifying the financial details and the situation of the Community Forest As Prescribed within one month from the date of the completion of each financial year.
- (2) The District Forest Office may provide necessary suggestion to the concerned Users' Group on the basis of the annual report received pursuant to sub-section (1).
45. Fund of the Users Group: (1) The Users' Group shall have a separate fund of its own.
- (2) The following amounts shall be deposited in the fund:-
- (a) The grant amount received from His Majesty's Government,
- (b) The amount of grant, assistance or donation received from any person or organization,
- (c) The amount received from the sale and distribution of the Forest Product,
- (d) The amount collected through fine,
- (e) The amount received from any other sources.
- (3) The expenditure to be borne by the Users' Group shall be incurred from the fund pursuant to sub-section (1) .
- (4) The Users' Group may spend for the activities of other public interest from the balance left in the fund after making disbursements for the development of Community Forest.
- (5) The operation of the fund shall be As Prescribed.

## Chapter-10

### Provisions Relating to Unclaimed and Stray (Dariyaburdi) Timbers

46. Timber to Belong to His Majesty's Government until Evidence in Support of Claim is Satisfactory: (1) All timber flowing or thrown on the banks, obstructed or submerged in streams having markings or with any markings scrapped out, altered or worn out or erased in any way or without any markings, shall be considered to be the property of His Majesty's Government unless any person gives the evidence of his claim.
- (2) The Forest Officer may store the timbers pursuant to sub-section (1) in any depot prescribed for the purpose of storage of unclaimed or stray (dariyaburdi) timber.

(3) His Majesty's Government, may by a notification published in the Nepal Gazette, exempt timber of any class or category from the provisions of sub-section (1) and (2).

47. Notice Regarding Unclaimed and Stray (Dariyaburdi) Timber: The concerned District Forest Officer shall affix a notice containing full details and inventories of the unclaimed or stray (dariyaburdi) timber collected pursuant to sub-section (2) of Section 46 in the concerned Forest Office and any person claiming on such timber shall have to submit an application containing evidence of his entitlement to the above mentioned office within fifteen days.

48. Proceedings Upon the Claim: (1) Upon the receipt of an application from any person pursuant to Section 47, the concerned Forest Officer shall after making necessary investigation, decide whether the applicant's claim is legitimate or not and shall give its notice to the applicant. If any person is proved to have rightful claim, such timber shall be handed over to him after realizing the expenses incurred on transporting or collecting it in the depot.

(2) Any person, who is not satisfied with the decision made by the Forest Officer pursuant to sub-section (1) that he does not have rightful claim, may appeal to the concerned Regional Forest Director within fifteen days from the date of the receipt of the notice of such decision.

(3) The compensation for loss to any timber caused by the rejection of the claim of any person to any timber or by withholding or loss can not be claimed against His Majesty's Government or the Forest Officer.

(4) The District Forest Officer may sell and distribute As Prescribed any unclaimed or stray (dariyaburdi) timber in which the ownership is not sufficiently substantiated of any person.

## Chapter-11

### Offence and Punishment

49. Prohibited Functions in the National Forest: No person shall do or cause to do and attempt to do the following functions in the National Forest except otherwise provided for in this Act or the Rules made thereunder. In case any such function is operated, it shall be regarded as an offence:-

- (a) To deforest, plough, dig or cultivate in the land of Forest Area and to construct house or hut.
- (b) To set fire or to do any act to cause firing.
- (c) To make the Quadruped enter or graze in the Forest Area.
- (d) To remove, traffic or sell and distribute Forest Products from the Forest Area.
- (e) To cut trees or plants or their branches, extract rosin or bark or to damage in any way.

- (f) To damage any other Forest Products by negligence while cutting, felling dragging or removing trees from the Forest Area under the licence.
- (g) To extract boulders, pebbles, sand or soil, burn charcoal or lime or manufacture other finished products from them or collect them.
- (h) To damage Forest Products by contravening the terms of the permit in the case the permit is received to take the Forest products.
- (i) To export the Forest Product to foreign country which are prohibited to export.
- (j) To take out, alter, convert, erase or destroy the Forest Boundary Mark.
- (k) To cut, break, uproot or damage in any way the plants kept in the nurseries or those which have been planted.
- (l) To damage or steal the pillar, wire fence or any property of that nature in the nurseries or in the area where the plantation was carried out.
- (m) To forge the mark or markings or to alter, damage or erase government mark or markings stamped in the timber or standing trees.
- (n) To hunt.
- (o) To commit any offence contrary to this Act and the Rules made thereunder.

50. Punishment: (1) The following punishment shall be imposed to the person committing the following offences:-

- (a) If the offence under Clause (a) of Section 49 is committed, such land shall be included in the National Forest and the offender shall be punished with a fine upto Ten Thousands Rupees or an imprisonment upto one year or both and the house or hut built in the land also shall be confiscated. If the Forest Product is removed or damaged while committing such offence the offender shall also be punished for it.
- (b) If the offence under Clause (b) of Section 49 is committed, the amount involved shall be realized and the offender shall be punished with a fine upto Ten Thousands Rupees or an imprisonment upto one year or both.
- (c) If the offence under Clause (c) of Section 49 is committed, the offender shall be fined with the following rate for each animal:-
  - (1) Five Rupees to Fifty Rupees if the animal is a sheep or goat.
  - (2) Five Hundreds Rupees to One Thousand Rupees if the animal is an elephant.
  - (3) Ten Rupees to One Hundred Rupees in the case of other animals.

- (d) If the offence under Clause (d),(e),(f),or (g) of Section 49 is committed, the Forest Product related with the offence shall be confiscated and the offender shall be punished as follows:-
- (1) with a fine upto One Hundred Rupees if the amount involved is One Hundred Rupees.
  - (2) with a fine equivalent to the amount involved, if the amount involved ranges from Rupees One Hundred to Rupees One Thousand.
  - (3) with a fine equivalent to the amount involved or an imprisonment upto Six months or both if the amount involved ranges from Rupees One Thousand to Rupees Five Thousands.
  - (4) with a fine double to the amount involved or an imprisonment upto One year or both , if the amount involved exceeds to Rupees Five Thousands.
- (e) If the offence under Clause (i) of Section 49 is committed, the Forest Product related with the offence shall be confiscated or the offender shall be punished with a fine equivalent to the amount involved and an imprisonment upto Five years, or both.
- (f) If the offence under Clause (j) or (m) of Section 49 is committed, the offender shall be punished with a fine upto Rupees Five Hundreds to Rupees Ten Thousands or an imprisonment upto one year, or both.
- (g) If the offence under Clause (k) of Section 49 is committed, the offender shall be punished upto Rupees One Hundred per plant according to the gravity of offence and if same offence is committed again, the offender shall be punished with an additional fine upto Rupees One Thousand in addition to aforesaid punishment.
- (h) If the offence under Clause (l) of Section 49 is committed, the amount involved shall be realized and the offender shall be punished with a fine upto Rupees Five Thousands or an imprisonment upto Six months or both.
- (i) If the offence under Clause (n) of Section 49 is committed, the offender shall be punished as provided in the prevailing laws.
- (j) If the offence under Clause (o) of Section 49 is committed, the amount involved shall be realized and the offender shall be punished with a fine upto Rupees One Thousand.
- (2) Any person or Government employee who commits an offence under sub-section (l) of Section 16 shall be punished with a fine upto Rupees Ten Thousands or an imprisonment upto two years or both.

51. Punishment to one who Impounds or Arrests with an Intention to Harass: (1) If any Forest employee involved in the Forestry work or police employee, impounds any goods or arrests any person, without any proper reason, with an intention to harass, or ill will, such employee shall be punishable with a fine upto Rupees One Thousand.

(2) The onus of proving that the employee mentioned in sub-section (1) had such intention shall lie on the complainant.

52. In the Case of Obstruction while Discharging the Duty: If any person obstructs the Government employee in discharging his official duties under this Act, he shall be punishable with a fine upto Rupees One Thousand or an imprisonment upto Six months or both.
53. Punishment to the Person Assisting to Escape the Offender: Any person who commits an offence of assisting the offender to escape shall be punishable equivalent to the offender.
54. Punishment for the Abutment: Any person who abets or accomplices to commit offence under this Act shall be punishable equivalent to the offender.

## Chapter-12

### Investigation of Offences and Procedures

55. Necessary Action to be Taken to Prevent Offences: If a person is suspected of attempting to commit any offence liable to punishment under this Act or if such offence is being committed, any employee involved in the Forestry work or Police employee shall take measures to prevent such offence from being committed and for this purpose he may take all necessary actions including the use of necessary force.
56. Special Powers: (1) The employee deputed to the protection of the Forest may shoot the offender under the knee in case a situation is occurred that any person obstructs within or outside the Forest Area to arrest the offender who is involved in the offences under this Act or any person assists the offender to make him escape even after his arrest and in the event without using the weapon his life is endangered in the course of apprehending the offender.
- (2) The District Forest Officer or a Forest Officer or Forest Assistant designated by him may remove the harvest or dismantle the house or hut and confiscate the harvest irrespective of the fact that the land within the National Forest was cultivated or a house or hut was built-up on such land.
- (3) Notwithstanding anything contained in sub-section (2), the provision stipulated in that sub-section shall not affect the penalty to be imposed under this Act.
57. Power to Search: (1) In case there is reasonable ground to believe that an offence punishable under this Act has been committed, a Forest employee of at least upto the rank of Forest Assistant or Assistant Police Inspector rank may conduct search to any place.

(2) The person conducting search pursuant to sub-section (1) shall search only y serving notification to the owner of the place to be searched or the person immediately occupying the place about the reason of such search before entering into such place.

(3) The search to be conducted pursuant to sub-section (1) should be carried out in the presence of at least two persons as witnesses.

(4) In case the search is to be conducted in a residential house and if any woman is in that house, information and reasonable time shall be given to get herself out of the house.

(5) Nothing contained in this Section shall be construed to have entitled the search employee to enter into a residential house from the moment of sun-set till the sun rise.

Explanation: For the purpose of this Section, the term "Place" includes a tent, a boat as well as vehicles of different categories.

58. Forest Products and Other Related Goods may be Impounded: (1) Any employee involved in the Forestry work or Police employee may if there exists reliable ground to believe that this Act or the Rules made thereunder have been violated in relation to Forest Products, impound such Forest Products and all Tools, boats, vehicles and Quadrupeds connected with such offence.

(2) The employee, who impounds pursuant to sub-section (1), shall have to issue a receipt to the owner containing particulars of such impounded goods and submit a report to the Area Forest Office or District Forest Office as soon as possible by marking particular sign in such goods and measuring as well as examining them.

(3) The employee at least up to the rank of non-gazetted second class Forest Assistant may release the tools, weapons, boats, vehicles, Quadrupeds etc. except the Forest products impounded pursuant to sub-section (1), after a bond furnishing the necessary guarantee signed by the owner of the goods or member of concerned Village Development Committee or Municipality or local gentleman to the effect that such goods shall be presented on the prescribed day and at the prescribed place.

59. Power to Arrest without Warrant: (1) Any Forest employee or Police employee may, if any person has committed or attempted to commit any offence to be punishable pursuant to this Act, arrest such person without warrant, if there is every likelihood on his escaping in case he is not arrested.

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

60. Investigation and Filing of the Cases: (1) The investigation into cases relating to the offences to be punishable pursuant to this Act, shall be conducted by the employee at least upto the rank of non-gazetted second class Forest Assistant and he shall file the case to the adjudicating authority on behalf of the concerned Forest Office.

(2) The advice of the Government lawyer shall have to be taken while filing the case pursuant to sub-section (1).

61. His Majesty's Government to be Plaintiff: His Majesty's Government shall be the plaintiff in all cases under this Act.

62. Action to be Taken if the Owner of the Impounded Forest Products, Tools, Weapons, Boats, Vehicles and Quadruped are not Traced Out: If the owner of the goods relating to the offences to be punishable pursuant to this Act could not be found out, the investigating employee shall have to affix a notice at a conspicuous place prescribing a period of seven days for the co-partner of the owner of the impounded goods, if any stating him to come to file his claim. If a claim of any person is filed upon the goods, it shall have to be submitted to the adjudicating authority for the decision. If a claim upon the goods is not filed or no claim is proved to be valid by the adjudicating authority, such goods shall accrue to His Majesty's Government.
63. Perishable Goods and Quadrupeds may be Sold: The District Forest Officer may sell by auction any perishable goods or the goods to which protection cannot be given and Quadruped seized in relation to the offences to be punishable under this Act bringing such goods and Quadruped to the nearest Forest Office or safe place. The amount received from such auction sale shall be deposited subject to action to be decided upon subsequently.
64. Provisions Relating to Proceedings: (1) In case the evidence received then and there shows that any person arrested under this Act is guilty of any offence on a charge relating to Forest to be punishable for a period of one year or more imprisonment or in case there seems to be a reasonable ground to believe from such evidence that he is guilty, such accused shall be kept in detention for the proceedings.
- (2) In case of offences other than mentioned in sub-section (1), proceedings shall have to be carried after releasing him on bail or surety of assets equivalent to the maximum amount of fine or imprisonment that can be imposed on him is furnished and if such bail or surety is not furnished proceedings shall have to be carried keeping him in detention.
- Provided that, the offender who repeatedly commits the offence shall not be released on bail.
- (3) While carrying on proceedings by keeping the accused in the detention pursuant to sub-section (1) or (2) , no offender shall be kept more days in detention than the limit prescribed by the punishment by counting the days in detention into imprisonment.
65. Authority to Hear Case: (1) The District Forest Officer shall hear and decide the cases under this Act with a fine upto Rupees Ten Thousands or with imprisonment upto one year or both.
- (2) The District Forest Officer while hearing and deciding the cases pursuant to sub-section (1) shall follow the proceedings and exercise the powers as mentioned in the Special Court Act,1974.
- (3) Any party who is not satisfied with the decision made by the District Forest Officer pursuant to sub-section (1) may appeal to the Appellate Court within thirty five days from the date of the receipt of the notice of the decision.
66. Seized Goods Liable to Confiscate: In case where it is established that an offence punishable under this Act has been committed, all the Load Carriers, Tools, Quadruped and any other equipment seized in connection with the offence shall be confiscated.

Provided that, any tractor, truck, lorry, motor and other vehicles carrying Forest Products of less than Rupees Ten Thousands such vehicles shall not be confiscated, but an additional fine of upto Rupees Ten Thousands in addition to the penalty to be imposed by other Section shall be imposed.

## Chapter-13

### Miscellaneous

67. To be in the Land Ownership of His Majesty's Government: The Community Forest, Leasehold Forest and Religious Forest pursuant to this Act shall be in the land ownership of His Majesty's Government.
68. Power to use the Forest: (1) Notwithstanding anything contained in this Act, in case there is no alternative except to use the Forest Area for the implementation of the plan having national priority and if there shall be no significant adverse effect in the environment while conducting such plan, His Majesty's Government may give assent to use any part of the Government Managed Forest, Community Forest, Lease hold Forest or Religious Forest for the implementation of such plan.  
(2) In case any damage is to be occurred to any person or community while giving assent to use the Forest pursuant to sub-section (1), His Majesty's Government shall have to make proper arrangements in this regard.
69. Technical Assistance to be Provided: In case any Users' Group, Lease holder, religious body, group or community or the owner of the Private Forest demands technical assistance for the development and conservation of the Community Forest, Leasehold Forest, Religious Forest or Private Forest, the concerned District Forest Officer may provide such technical assistance.
70. Prohibition to Enter into the Forest Area: (1) In case it is necessary with a view to protect the Forest, the Prescribed Officer may, by publishing a notification, prohibit the entrance into the whole part or any part of the National Forest or Protected Forest for a specified time.  
  
Provided that, it shall not be deemed to be prohibited to come and go through the path specified by the prescribed Officer.  
  
(2) One who enters into the prohibited area violating the prohibition Order shall be punishable with a fine upto Rupees Five Hundreds or an imprisonment upto One month or both.
71. Saving for Acts Performed in Good-Faith: No Government employee shall be held liable personally for any acts performed by him in good-faith while discharging his duties under this Act.
72. Power to Frame Rules: His Majesty's Government may frame necessary Rules for carrying out the objectives mentioned in the different chapters of this Act.
73. Procedure in Case of Inconsistency of this Act with Other Laws: Matters which have been provided in this Act or the rules made thereunder shall be governed accordingly whereas the rest of the matters shall be governed by the prevailing laws.

74. Repeal and Saving: (1) The following Acts have been repealed:-

(a) Forest Act, 2018 (1961)

(b) Forest Conservation (Special Arrangements) Act, 2024 (1968)

(2) The acts done in accordance with the provisions of the Forest Act, 2018 (1961), Forest Conservation (Special Arrangement) Act, 2024 (1968) and Rules made or Order issued thereunder before.

# **FOREST REGULATION 2051 (1995)** **(OFFICIAL TRANSLATION)**

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Ministry of Forest and Soil Conservation

Forestry Development Project

HMGN/USAID

**Forest Regulation, 2051 (1995)**

In exercise of the power conferred by Section 72 of the Forest Act, 2049 (1993), His Majesty's Government has made the following Rules.

## Chapter-1

### **Preliminary**

1. **Short Title and Commencement:** (1) These Rules may be called the " Forest Regulation, 2051 " (1995).
  - (2) It shall come into force at once.
2. **Definitions:** In this Regulation, unless the subject or context otherwise requires,-
  - (a) "Act " means the Forest Act, 2049 (1993).
  - (b) "Director General" means the Director General of the Department of the Forest.
  - (c) "Director' means the Regional Forest Director of the Regional Forest Office.
  - (d) " Authorized Officer" means the District Forest Officer and in case such officer has not been appointed an officer designated by His Majesty's Government.
  - (e) "Firewood" means wood other than of Acacia Catechu of less than two feet in length and one feet and six inches in girth which cannot be used as beams and poles or sawn Timber.
  - (f) "Agency' means an agency authorised by His Majesty's Government to manage the task of collecting, cutting, sorting out, transporting and stacking at depots and selling and distributing of Timber and Firewood.
  - (g) "Constitution" means the Constitution of a Users' Group.

## Chapter-2

### **Government Managed Forest**

3. **Work Plan to be Prepared;** (1) For the purpose of management of Government Managed Forest, the Department shall have to prepare a Forest Management Work Plan for one or more districts according to the topography and natural boundaries, explicitly mentioning the following matters:-
  - (a) All areas covered by Forests, shrubs, bushes, grasses and uncultivated areas,

- (b) Situation of Forest Boundaries,
- (c) A Forest map prepared in such a way as to clearly show the details of land use and species of trees,
- (d) Details relating to population and density of population and the use of Forest Products,
- (e) Details relating to Forest Products.
- (f) Programmes and techniques of developing and protecting the Forest
- (g) Annual details relating to the collection, use and sale of Forest Products.
- (h) Forest Products required by the local people.
- (i) Estimates of annual revenue from Forest Products during the entire period of the Work Plan.
- (j) Details of the manpower and expenses required to implement the Work Plan.
- (k) Programmes relating to soil-conservation, tourism development, protection of environment and the historical heritage.
- (l) Other details appropriate for the management of the Forest.
- (2) The Work Plan approved prior to commencement of this Regulation, shall be considered to have been prepared according to this Regulation.

4. Implementation and Evaluation: The Director shall submit a report to the Ministry after monitoring and evaluating the implementation of Work plan in his region and send a copy of the report to the Department for the information.

5. Amendments in Work Plan: (1) The District Forest Officer may send a report along with his opinion to the Department if he deems appropriate to amend in the Work Plan.

(2) The Department shall send a report along with its opinion to the Ministry if it deems appropriate to amend in the Work Plan as per the report received pursuant to sub-rule (1).

6. Prohibition to Collection, Sale and Distribution: (1) The Forest Products shall not be collected, sold and distributed exceeding the quantity of collection, sale and distribution specified in Work Plan for the whole year.

(2) Notwithstanding anything contained in sub-rule (1) the limitation of quantity specified in the Work Plan shall not be considered to obstruct for the collection, sale and distribution of Forest products from the Forest Area in such circumstances when any Forest Products likely to rot or damage and destroyed due to natural calamities as floods, landslides, snowfalls and fire.

7. Licence to be Obtained and Markings to be Affixed: (1) No one shall achieve, collect, takeout, sale and distribute, export or transport any Forest Products or enter into a Forest Area with any of these intentions without obtaining a Licence from the Authorized Officer pursuant to this Regulation.

(2) Any individual or Agency which has obtained a Licence pursuant to sub-section (2) of Section 22 of the Act shall comply with the conditions mentioned in the Licence as well as the conditions specified by His Majesty's Government on a compulsory basis while cutting, making into pieces, or exporting any Timber or Firewood from a Forest.

(3) The markings specified by the Department shall be affixed while cutting, making into pieces,, using, taking out, selling and distributing, transporting or exporting the Timber and Firewood of the Forest.

(4) Forest Products other than Timber and Firewood shall be cut, made into pieces, used , taken out, sold and distributed, transported or exported subject to the procedures prescribed by His Majesty's Government.

8. Application to be Submitted to Obtain Forest Products: (1) Any person, District Forest Product Supply Committee or Agency desirous of obtaining Forest Products shall submit an application to the Authorized Officer by mentioning the following details:

- (a) Name of the Forest Product,
- (b) Name of the area from where the Forest Product desired to be obtained.
- (c) Category and quantity of the Forest Product.
- (d) Purpose for which the Forest Product is to be obtained, and
- (e) Place where the Forest Product is to be used.

(2) In case an application is received pursuant to sub-rule (1), the Authorized Officer by conducting necessary enquiries and keeping in view the quantity specified for sale and distribution in the Work Plan, may issue a Licence in the format as prescribed in Annex-1.

(3) The Authorized Officer shall issue a Licence only after collecting the price, fee or charge payable for the concerned Forest Product pursuant to this Regulation from the applicant individual, District Forest Product Supply Committee or Agency in advance.

9. Provisions Relating to the Sale and Distribution of Timber and Firewood; (1) His Majesty's Government by publishing a notification in the Nepal Gazette, may constitute District Forest Product Supply Committee comprising of following chairman and members in the district specified in the same notification in order to sell and distribute the Forest Products pursuant to sub-rule (2) with keeping in view of the convenience of general public:-

- |     |  |                    |
|-----|--|--------------------|
| (a) | Chief District Officer -   | Chairman           |
| (b) | One district level representative<br>each of all political parties<br>recognised at the national level | - Member           |
| (c) | Funds and Accounts Controller  | - Member           |
| (d) | District Forest Officer  | - Member-Secretary |

(2) The committee constituted in a district pursuant to sub-rule (1) shall obtain a Licence from the Authorized Officer pursuant to Rule 8 and make arrangements for the sale and distribution of Timber and Firewood for the following purposes:

- (a) For the domestic use of the rural people,
- (b) For low cost development and construction works to be undertaken through public participation,
- (c) For the relief from natural calamities and for the agricultural tools.

(3) The Committee Constituted pursuant to sub-rule (1) shall comply with the directives issued by His Majesty's Government from time to time in addition to the provisions contained in this Regulation.

(4) In each district where the committee pursuant to sub-rule(1) has been constituted, the Authorized Officer may, subject to the quantities specified for sale and distribution in the Work Plan, make available to the Committee in a single or different lots Timber and Firewood for their sale and distribution and the Committee shall obtain a Licence pursuant to Rule 8, affix markings and cut, saw and transport the Timber and Firewood at its own cost.

(5) In the case of a district where the Timber and Firewood are not available according to the Work Plan, His Majesty's Government may make an arrangements for their sale and distribution by bringing them from the other district from where they can be obtained.

sub- (6) The Timber and Firewood sold and distributed for the purpose mentioned in rule (2) may not be used for any other purpose or transported outside of the concerned district.

(7) The Authorized Officer may sell and distribute by auction all such Firewood and Timber as those which have been sold and distributed but not taken away within the time limit or those which are left in the stock after sale or distribution with the current market price as the basis and at rate not lower than the rate as prescribed in Annex-2.

distributed (8) The quantities and procedures of Timber and Firewood to be sold and shall be as specified by the Work Plan.

Provided that, in circumstances when the Work Plan has not been prepared, action shall be taken as decided and prescribed by His Majesty's Government.

(9) The Authorized Officer shall sell and distribute Timber and Firewood only after collecting their prices as prescribed in Annex-2.

Provided that ,this Rule shall not be deemed to have obstructed the power of the Authorized Officer to provide the Timber and Firewood to the District Forest Product Supply Committee with a provision to pay their prices only after the Committee sells and distributes them.

10. Sale and Distribution of Acacia Catechu Wood (Including Roots): Notwithstanding anything contained in Rule 9, the Authorized Officer shall sell and distribute Acacia Catechu wood (including roots) through auction according to their weight with the current market prices as the basis at the rate not lower than the rate as prescribed in Annex-2.

11. Collection, Sale and Distribution of Herbs: (1) Any one desirous of collecting the herbs as prescribed in Annex-3 from any Forest Area shall have to submit an application to the Authorized Officer, explicitly mentioning the type of herbs, the area of collection, the quantity and the purpose of collection.

(2) In case it is found through enquiries into the application filed pursuant to sub-rule (1) that no ban has been imposed on the collection of the herbs for which the request has been made, the Authorized Officer may issue a Licence to collect the herbs in the format as prescribed in Annex-4.

(3) The Authorized Officer shall tally the herbs collected according to the Licence issued for their collection pursuant to sub-rule (2) with the Licence, check their quantities, collect fees as prescribed in Annex-3 and issue a release order in the format as prescribed in Annex-5.

(4) Notwithstanding anything contained in sub-rule (3), the Licence to collect, sell and distribute the variety of the herbs specified by His Majesty's Government may be issued to the person who offers the highest bid in an auction.

(5) For the purpose of identifying and selling and distributing the herbs which have not been mentioned in Annex-3 and which have yet to be identified, the Authorized Officer shall submit the matter to His Majesty's Government and take action as sanctioned by His Majesty's Government.

12. Power to Ban on Collection, Sale and Distribution: His Majesty's Government by publishing a notification in the Nepal Gazette, may impose a ban on the collection, use, sale and distribution and transportation of any specified category of Forest Products .

13. Provisions Relating to Export of Forest Products: (1) In case any person submits an application to export to foreign countries any of the Forest Products collected or obtained pursuant to this Regulation, other than those whose export to the foreign country has been banned pursuant to sub-rule (2), the Authorized Officer may recommend to the concerned Customs Office for the grant of permission to export to the foreign country.

(2) His Majesty's Government by publishing a notification in the Nepal Gazette, may ban to export to foreign countries any specified categories of Forest Product.

(3) In case any person, Organisation, association or industry submits an application along with the customs declaration form and the authentic evidence from the concerned country, for the permission to import from the foreign country and sell and distribute or re-export to foreign countries any Forest Products other than those whose collection, use, sale and distribution, transportation and export have been banned, the Authorized Officer may grant permission to import such Forest Products from the foreign country and sell and distribute or re-export to the foreign country.

14. Sale and Distribution of Other Forest Products: (1) Any person desirous of using any Forest Products other than Timber, Firewood, acacia catechu and herbs from among the Forest Products as prescribed in Annex-1 shall have to submit an application to the Authorized Officer.

(2) In case an application for any Forest Product other than Timber, Firewood, acacia catechu and herbs is filed pursuant to sub-rule (1), the Authorized Officer may sell and distribute such Forest Products by collecting the fee as prescribed in Annex-6.

(3) Notwithstanding anything contained in sub-rule (2), His Majesty's Government may sell and distribute Forest Products other than Timber, Firewood, acacia catechu and herbs to the person who offers the highest bid in an auction.

15. Power to Supply Timber and Firewood Free of Cost for Religious Purposes: Notwithstanding anything contained elsewhere in this Regulation, in case any request for the Timber and Firewood is received for the purpose of carrying out any traditional religious function other than construction works, the Authorized Officer may supply Timber and Firewood free of cost as ascertained by His Majesty's Government subject to the annual quantities specified by the Work Plan.

16. Time Limit for Collection and Removal of Forest Products; In the case of Forest Area of the district specified by His Majesty's Government by publishing a notification in the Nepal Gazette, Timber and Firewood may be collected and taken out from the Forest area during the period between Kartik (October 17) to Jestha ( June 14). In the case of Forest Area of other Districts , the District Forest Officer shall, in consultation with the District Development Committee, fix the period for doing so for not more than eight months in a year Timber and Firewood shall be collected and taken out from the Forest Area within the time limit so ascertained.

Provided that, this Rule shall not be deemed to have obstructed the power to collect and take out Timber from the Forest Area at any time for their sale and distribution to victims of natural calamities.

17. Procedure of Marking Trees, Measuring Timber and Firewood and Calculating their Volume:  
(1) Trees shall be marked subject to the terms of sale ascertained by His Majesty's Government.
- (2) The procedure of calculating the volume of trees and Timber shall be as prescribed in Annex-7.
18. Determination of Value: (1) In case a Forest is damaged and only stumps are left, so that no Timber can be found, the value thereof shall be determined by multiplying the volume of the stump calculated as prescribed in Annex-7 by the price as prescribed in Annex-2.
- (2) In case only the Timber is found and the stump is not traced, three blocks of a tree shall be considered to be a tree and the value thereof shall be determined by calculating the volume with the largest end of the largest block as the base of the stump and multiplying it by the price as prescribed in Annex-2.
- (3) In case some Timber are found and the stump also exists, the value thereof shall be determined by calculating the volume on the basis of the stump and then multiplying it by the price as prescribed in Annex-2.
19. Licence for Grazing Animals: The Authorized Officer may issue a Licence in the format as prescribed in Annex-9 to any person to graze his animals in any area other than those area not covered by the Work Plan or those where grazing has been prohibited by the Authorized Officer, by collecting the, specified fee as prescribed in Annex-8.
20. Power to Make Available Forest Areas: (1) His Majesty's Government may make available through an auction the prescribed Forest Area for a prescribed period and on prescribed conditions to any national or international governmental or non-governmental Organisation for carrying out the activities prescribed by the Work Plan or for the Forest development activities.
- (2) Forest Products contained in the Forest Area made available pursuant to sub-rule(1) shall be used in the manner mentioned in this chapter.
21. Transportation of Timber: (1) The Authorized Officer shall issue a release order for the Transportation from the ferry-post of round logs collected within a National Forest area after affixing markings on them.
- (2) After sawing the round logs for which a release order has been issued pursuant to sub-rule (1), the concerned saw mill or furniture industry shall transport them as their products under markings registered at the District Forest Office. While transporting Timber, District Forest Office shall be informed in advance and it should be endorsed at each checkpoint en route.
- (3) The Authorized Officer may inspect saw mills and furniture industries at any time if he suspects anything.

22. Provisions Relating to Forest Development; (1) Development activities (establishment of nurseries, production of saplings, plantation, weeding, thinning pruning, harvesting, felling etc.) specified by the Work Plan or approved by his Majesty's Government shall be initiated by an employee of at least the rank of non-gazetted class I Forest Assistant only after preparing cost estimates and having them approved by the Authorized Officer, subject to the directives issued by the Department.

(2) The District Forest Office may use Timber and Firewood needed for carrying out forest development and protection activities included in the approved programme and for the construction, repair and maintenance of Forest Office, after keeping records thereof.

(3) From among the activities pursuant to sub-rule (2), activities such as construction, repair and maintenance etc. of buildings, houses, huts, forest paths and bridges may be executed after preparing their cost estimates and having them approved by the immediate superior officer by an employee of the Forest Assistant of non-gazetted class I Level, if they are worth up to Two Hundred Thousands Rupees, by the Assistant Forest Officer if they are worth up to One million Rupees and by the District Forest Officer if they are worth more than that amount.

(4) The Officer designated by the Authorized Officer shall have the power to inspect and approve development activities.

Provided that, the power to approve shall be exercised only by a technical employee of one level higher than the employee who completes the activities.

23. Power to Specify Areas: The Authorized Officer may specify any area of a National Forest as seed production, research or training operation area.

## Chapter-3

### Protected Forest

24. Work Plan of Protected Forest: For the management of forest related activities to be undertaken in a protected Forest, the Department shall prepare a Work Plan by including the following matters:-

- (a) Boundaries and area of the Forest,
- (b) Techniques to be adopted for the protection of the Forest,
- (c) Arrangements relating to the use of the Forest Products,
- (d) Techniques relating to the Forest management.

25. Licence to be Issued: (1) The Authorized Officer may issue Licence to take out the Forest Products from a protected Forest according to the procedures and in quantities specified by the Work Plan.

(2) The format of the Licence to be issued pursuant to sub-rule (1) shall be as prescribed in Annex-10 and the charges for the Forest Products shall be as prescribed in Annex-2, Annex-3 and Annex-6.

## Chapter-4

### Community Forest

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

(2) In case the local users or others have planted and protected trees on any public land outside National Forest area or in case the local users desire to plant trees on such land after constituting a Users' Group and obtaining the approval of the agency owning the land on the condition that the concerned agency itself retains the ownership of the land, the District Forest Officer may grant recognition to such Forest Area as a Community Forest.

27. Constitution and Registration of The Users' Group: (1) Users who desires to manage a Forest as a Community Forest shall have to submit an application in a written form to the District Forest Officer either directly or through the concerned Area Forest Office.

(2) In case an application pursuant to sub-rule (1) is received, the District Forest Officer shall depute as soon as possible a technical employee to the concerned area for the purpose of providing technical and other co-operation.

(3) With the co-operation of the local body, the employee deputed pursuant to sub-rule (2) shall have to help the Users' Group in its Constitution as well as in the preparation of its Constitution. The Constitution of a Users' Group shall have to be made provisions in respect to matters mentioned in Annex-11, in addition to other matters.

(4) While preparing a Constitution pursuant to sub-rule (3) and Constituting a Users' Group according to the Constitution, action shall have to be taken on the basis of consensus so that the boundaries of wards, villages, towns and districts shall have no effect on them.

(5) The Users identified pursuant to sub-rule (3) shall have to Constitute a Users' Group comprising all users in the manner mentioned in the Constitution prepared pursuant to sub-rule (4) and for the purpose of registration of Users' Group, submit an application to the District Forest Officer, either directly or through the concerned Area Forest Office in the format as prescribed in Annex-12 along with the Constitution of the Users' Group.

rule (6) In case the Users' Group which has submitted an application pursuant to sub-rule (5) is found to have been Constituted in accordance with its Constitution, the District Forest Officer shall have to register it and issue a certificate in the format as prescribed in Annex-13 after having a bond to comply with the Act, this Regulation and the conditions prescribed by His Majesty's Government.

28. Work Plan of the Community Forest: (1) The Users' Group shall have to prepare a Work Plan of Community Forest by including the following matters:

- (a) Details of the Forest- name, boundaries, areas, condition of the Forest and types of Forest,
- (b) Map of the Forest,
- (c) Block division and their details- name, boundaries, areas, aspects, slope, soil, type of the Forest, main species, useful species, age and situation in respect to the natural regeneration,
- (d) Objectives of Forest management,
- (e) Methods of Forest protection,
- (f) Forest promotion activities- thinning, pruning, cleaning and other Forest promotion activities,
- (g) Nursery, tree plantation, income generating programme and time Schedule,
- (h) Details of areas suitable for cultivation of the herbs, types and species of such herbs, cultivation programmes and time schedule,
- (i) Provisions relating to use of income accruing from the sale of Forest Products and other sources,
- (j) Provisions made for the penalties which may be inflicted on users pursuant to Section 29 of the Act,
- (k) Provisions relating to the protection of the wildlife,
- (l) Other matters prescribed by the Department.

(2) In case the Users' Group desires to plant any cash crops which yields products for a long time other than food crops in the Community Forest without adversely affecting the crown cover and production of the main Forest Product , it shall be mentioned the details thereof in the Work Plan.

operation (3) The District Forest Officer shall have to provide technical and other co-required by the concerned Users' Group to prepare a Work Plan pursuant to this Rule.

29. Procedure of Handing Over the Community Forest: (1) In case a Users' Group desires to take over any part of a National Forest as a Community Forest , it shall have to submit an application to the District Forest Officer in the format as prescribed in Annex-14.

(2) The District Forest Officer shall conduct necessary investigations into the application submitted pursuant to sub-rule(1) and the Work Plan submitted by the Users' Group for the approval and in case he deems necessary to make any alterations in the Work Plan, he shall do so with the consent of the Users' Group and approve the Work Plan accordingly. He shall then hand over the Forest area coming under the approved Work Plan to the Users' Group as a Community Forest after having a bond to the effect that it will comply with the conditions prescribed by His Majesty's Government. While so handing over a Community Forest, the concerned Users' Group shall also be issued a certificate in the format as prescribed in Annex-15.

(3) While handing over a Forest area as a Community Forest, the boundaries of the villages, towns, and districts shall have no effect.

(4) In case any Forest area which is to be handed over as a Community Forest lies within two or more districts, the District Forest Officer of the district where the application has been submitted may hand over the Forest area as a Community Forest with the consent of the District Forest Officers of the other districts.

(5) The District Forest Officer of the concerned district shall have to monitor and evaluate the Community Forest handed over pursuant to sub-rule (2) and (4).

30. Maintenance of Records of Community Forest: After handing over a Community Forest to a Users' Group pursuant to Rule 29, the District Forest Officer shall maintain records thereof at his office and also forward one copy of each to the Department and the concerned Regional Forest Office.

31. Prohibited Functions in the Community Forest: (1) The Users' Group shall not take any of the following functions in the Community Forest, besides those functions which are prohibited by the Work Plan:-

- (a) To destroy the Forest or mortgage or otherwise transfer the ownership of the land covered by the Community Forest,
- (b) To clear Forest areas for agricultural purposes,
- (c) To build huts and houses,
- (d) To take any action which may cause soil erosion,
- (e) To capture or kill wild-life in violation of prevailing laws,
- (f) To extract or transport rocks, soil, boulders, pebbles, sand etc.

(2) Notwithstanding anything contained in clause (a) and (c) of sub-rule (1), loans may be obtained from the financial institutions by pledging the Forest Products of the Community Forest as collateral for the purpose of developing the Community Forest and houses or huts needed for the security may be built with the approval of the District Forest Officer.

32. Collection, Sale and Distribution of the Forest Products: (1) The Users' Group shall collect, sell and distribute only those Forest products which are available pursuant to the Work Plan.

rule (2) After collecting Timber, firewood and other Forest Products pursuant to sub-rule (1), the Users' Group shall have to make arrangements for reforestation or rehabilitation in the concerned Forest Area as soon as possible.

about (3) The Users' Group shall have to inform the concerned District Forest Office the sale rate of Forest Products.

(4) In case the Users' Group is capable of running an industry based on Forest Products according to the Work Plan , it may run such industry outside the area of the Community Forest after obtaining the approval of concerned agency on the recommendation of the District Forest Officer.

33. Receipts and Records of the Forest Products: (1) In case any Forest Products available in accordance with the Work Plan is to be consumed by the Users' Group itself, the Users' Group may distribute the same by issuing permits in the format as prescribed in Annex-16 after keeping a record of such Forest Products.

and (2) While selling the Forest Products, the Users' Group shall prepare a receipt in triplicate in the format as prescribed in Annex-17 and shall hand over one copy to the buyer the other copy to the concerned Area Forest Office, and shall have to retain the third copy by itself.

sold (3) The Users' Group shall have to maintain accurate records of Forest Products from the Community Forest as well as their accounts of income and expenditure.

34. Stamp to be Registered: (1) The Users' Group shall prepare an iron stamp for the purpose of transporting the Timber from the Community Forest and submit an application to the District Forest Office for its registration.

(2) On the receipt of an application submitted pursuant to sub-rule(1), the District Forest Officer shall have to register the stamp free of cost by ensuring that the name of the stamp would not be duplicated.

35. Transportation of the Forest Products: (1) For the purpose of transporting the Timber sold by the Users' Group outside the area of the user Group, a person or Committee designated by the Users' Group shall mark the Timber with the stamp pursuant to Rule 34 and issue a permit in the format as prescribed in Annex-16.

(2) Timber shall be transported pursuant to sub-rule (1) only after informing the concerned Forest Office in advance and having the matter endorsed by checkpoints located en route.

(3) Forest Products other than Timber may be transported only after informing the District Forest Office in advance and obtaining a permit from the person or Committee designated by the users' Group.

36. Operation of Users' Group's Fund: (1) The fund and account of the Users' Group shall be operated through the joint signatures of the two officials of the Group designated by the Users' Group.

(2) The annual accounts of income and expenditure of the users' Group shall be audited by the person or institution designated by the Users' Group.

(3) The Users' Group shall have to submit a copy of the audit report pursuant to sub-rule (2) to the concerned District Forest Office.

(4) The Authorized Officer may inspect the accounts of income and expenditure maintained by the Users' Group from time to time.

37. Resumption of Community Forest: (1) In case it is learnt that the Users' Group has been unable to work according to the Work Plan or has done anything that has a substantial adverse effect on the environment or has not complied with the Act, this Regulation and the conditions prescribed by His Majesty's Government, the District Forest Officer shall depute an employee as soon as possible for an on the spot inspection and take action as follows on the basis of the report thereof:

(a) In case the report shows that the Users' Group has been unable to work according to the Work Plan or has done anything that has a substantial adverse effect on the environment or has not complied with the Act, this Regulation and the conditions prescribed by His Majesty's Government, an explanation shall be demanded from the Users' Group by providing it a time limit of Fifteen days.

(b) In case the explanation submitted by the Users' Group is not satisfactory or in case on the spot inspection reports holds the resumption of the Community Forest as appropriate, the District Forest Officer may resume such Forest and cancel the registration of the concerned Users' Group.

(c) The concerned Users' Group shall be informed about the resumption of the Community Forest and the cancellation of its registration within Fifteen days of such action.

(2) Any Users' Group dissatisfied with the decision to resume the Community Forest and cancel its registration pursuant to sub-rule(1) may file a complaint with the concerned Director within Thirty Five Days from the date of receipt of the notice of such decision.

(3) Decision on a complaint filed pursuant to sub-rule (2) shall be given within Ninety days from the date when it is filed.

38. Assistance May be Obtained; For the purpose of discharging functions mentioned in this chapter, the Department and the Users' Group may obtain necessary assistance from the national and international governmental and non- governmental agencies.

## Chapter -5

### Leasehold Forest

39. Procedure of Handing Over Leasehold Forest: (1) Any corporate body, industry or community desirous of taking up a Leasehold Forest shall have to submit an application in the format as prescribed in Annex-18 to the Director either directly or through the District Forest Office, explicitly maintaining the following details, in addition to the matters mentioned in the Act and along with an economic feasibility report.
- (a) Term of Leasehold Forest,
  - (b) General evaluation of the possible impact on the environment,
  - (c) Details of Forest Products and other natural resources located within the Forest Area,
  - (d) Details of paths, canals, dams, mines, etc. locate inside the Forest area.
  - (e) Other necessary details.
- (2) In case the Forest Area demanded in the application pursuant to sub-rule (1) is found to be suitable to hand over as a Leasehold Forest, the Director shall instruct the District Forest Office to publish a notice at the concerned Village Development Committee or Municipality and other public places calling to the users living around the concerned Forest area to inform within Thirty Five days whether or not they wish to take up the concerned Forest area as a Community Forest.
- (3) In case the users living around the concerned Forest area express their desire to take up the concerned Forest area as a Community Forest within the time limit mentioned in the notice published pursuant to sub-rule (2) , the Director shall keep the application filed for taking up the concerned Forest as a Leasehold Forest pending and instruct the District Forest Office to constitute a Users' Group within Three months.
- (4) In case no application is filed within the time limit pursuant to sub-rule (2), or in case a Users' Group is not constituted within the time limit pursuant to sub-rule (3), the Director shall, if he finds it appropriate to hand over the concerned Forest area as a Leasehold Forest, demand the following additional details from the applicants:-
- (a) Detailed Work Plan,

- (b) Details relating to the species of trees available in the concerned area along with their size and quantity,
- (c) Plans for clearing trees, if necessary,
- (d) Condition of the Forest at the end of the term of the Leasehold Forest,
- (e) Other necessary technical matters.

(5) In case the applicant requests for the data relating to the concerned Forest Area in the course of preparing a detailed Work Plan pursuant to sub-rule (4), the District Forest Officer or the Director shall have to supply all available data to the applicant without charging any fee.

(6) In case several corporate bodies, industries or communities apply for taking up the same Forest area as a Leasehold Forest, the Community which comprises of a majority of people living below the poverty line shall be given the first priority, while a Forest based industry producing Forest Products by planting trees shall be given second priority.

(7) In case any technical assistance is needed while handing over a Leasehold Forest to any Community, the District Forest Office shall Provide such assistance.

40. Special Provision for Handing Over Leasehold Forest: (1) His Majesty's Government may prepare project relating to the Leasehold Forest for the Communities living below the poverty line and hand over Leasehold Forest to the beneficiaries of such project.

(2) Before handing over a Leasehold Forest pursuant to sub-rule (1), the project relating to the Leasehold Forest shall ask the concerned Community to prepare the Work Plan and submit it to the Ministry for approval.

(3) The Forest Products located within the Leasehold Forest handed over pursuant to sub-rule (1) shall be used and protected in the manner as specified in the Work Plan.

41. Lease and Fees of Leasehold Forest: In case the Ministry grants its approval to hand over a Leasehold Forest pursuant to sub-section (4) of Section 32 of the Act, the Director shall prepare a Forest Lease for the Leasehold Forest in the format as prescribed in Annex-19, collect the annual fee mentioned in Annex-20 and hand over the Leasehold Forest to the applicant along with a Forest Lease as prescribed in Annex-21.

42. Records of Leasehold forest: After handing over a Leasehold Forest, records thereof shall be kept at the Regional Forest Office and information thereof shall be forwarded to the District Forest Office.

43. Provision Relating to Extension of Term of Lease Agreement: In case the Leaseholder is unable to work in accordance with the Work Plan within the time limit specified in the Forest Lease and in case he submits an application by showing appropriate reasons thereof, His Majesty's Government may, if it so deems appropriate extend the term of the Forest Lease by not more than Six months. In case the Leaseholder fails to work even within that time limit, the Forest Lease of such Leasehold Forest shall be cancelled.

44. Protection of Leasehold Forest: (1) The Leaseholder himself shall have to make arrangements for the protection of the Leasehold Forest.

(2) In case the Leaseholder requests for any assistance in the task of protecting the Leasehold Forest, the District Forest Officer shall have to provide suitable assistance and also make recommendation to other agencies to provide assistance for the purpose.

45. Functions Prohibited in the Leasehold Forest; (1) The following functions shall not be operated or caused to be operated in a Leasehold Forest:

(a) To sell, mortgage or otherwise transfer the title to the land covered by the Leasehold Forest,

(b) To operate any Function other than those specified by the Work Plan.

(2) Notwithstanding anything contained in clause (a) of sub-rule (1), this Rule shall not be deemed to have Obstructed the right to obtain loans from financial institutions by pledging the Forest Products planted and grown by him as collateral for the development of the Leasehold Forest.

46. Title may be Sold or Transferred: (1) Notwithstanding anything mentioned elsewhere in this Regulation any leaseholder who has done satisfactory work in the Forest by the end of the one third of the term of the Leasehold agreement may sell or transfer his right to any other corporate body, industry or Community. The Concerned leaseholder shall have to obtain the prior approval of the Ministry for selling or transferring his title.

(2) In case an application for the approval to sell or transfer the title is filed pursuant to sub-rule(1), the Ministry may, if desires to purchase Forest Products planted or grown by the leaseholder in the concerned Forest on behalf of His Majesty's Government , purchase them by making payments for them at the price of the Forest Products as prescribed in Annex-2.

(3) In case any corporate body, industry or community buys the Leasehold Forest sold or transferred pursuant to sub-rule (1), the lease agreement signed by the existing leaseholder with His Majesty's Government shall be deemed to have been transferred to the buyer.

(4) The Director shall record the sale or transfer in the Forest Lease of the Leasehold Forest which has been sold or transferred pursuant to sub-rule (1) and also update his records accordingly.

47. Production and Consumption of the Forest Products: (1) The Forest Products of the Leasehold Forest may be consumed or sold and distributed only in quantities specified by the Work Plan.

(2) The Leaseholder shall have to inform the District Forest Office every year about the species and quantities of the Forest products planted by him in the Leasehold Forest.

(3) The Leaseholder shall have to make an iron stamp and submit an application to the District Forest Office for its registration. On the receipt of such application, the District Forest Officer shall register the stamp by ensuring the name of the stamp would not be duplicated.

(4) Forest Products of the Leasehold Forest shall be transported by marking them with the stamp mentioned in sub-rule (3), informing the District Forest Office in advance and having the matter endorsed by checkposts located en route.

48. Ownership of Trees Existing at the Time of Handing over the Leasehold Forest:(1) The ownership of the trees existing in the Leasehold Forest at the time of its hand over shall vest in His Majesty's Government. The Leaseholder shall have to mention the provisions for the management and protection of such trees in the Work Plan and take them under his custody.

(2) While handing over a Leasehold Forest for the purposes mentioned in clause (a) and (b) of Section 31 of the Act, the trees located therein shall be evaluated and a deposit or bank guarantee of not more than ten percent of the total value thereof may be obtained from the Leaseholder of the concerned Leasehold Forest , Keeping the nature of the Forest into account.

Provided that no such deposit shall be obtained while handing over a Leasehold Forest to any community comprising of people living below the poverty line.

(3) At the time of felling trees pursuant to sub-rule (1), in case the Leaseholder agrees to fell the trees under the supervision of the District Forest Office and purchase the Forest Products obtained therefrom according to the Work Plan, they shall be sold collecting the price as prescribed in Annex-2 for up to the first Five years.

Provided that, in case the Leaseholder does not agree to purchase them, the concerned Forest Product shall be sold and distributed according to the provisions made in respect to the Government Managed Forest.

49. Fee for Leasehold Forest: (1) The Leaseholder shall have to pay to the District Forest Office the annual fee as prescribed in Annex-20 before the end of Asadh (July 15) of each fiscal year.

(2) In case any Leaseholder fails to pay the fee within the time limit pursuant to sub-rule (1), it shall be realised from him along with a fine of Ten percent until the end of Pousha ( January 14), Fifty percent until the end of Chaitra ( April 13) , and hundred percent until the end of the next Asadh (July 15).

(3) The Forest Lease of a Leaseholder who fails to pay the fee even within the time limit pursuant to sub-rule (2) shall be cancelled.

Provided that ,in case the Leaseholder submits an application to His Majesty's Government explicitly mentioning the reasons for the failure to pay the fee and in case His Majesty's Government considers the reasons appropriate, it may retain the Forest Lease for One year by imposing and collecting a cent percent fine over the total fee including the amount of fine payable pursuant to sub-rule(2).

50. Term of Leasehold Forest: (1) A Leasehold Forest may be handed over for a term not exceeding Forty Years.

(2) The term of a Leasehold Forest pursuant to sub-Rule (1) shall be determined on the basis of the categories of Forest Products to be planted in the Forest according to Work Plan and the programme to be launched in the area.

(3) In case the Leaseholder is found to be satisfactorily managing the Leasehold Forest according to the Work Plan and the Forest Lease and in case the Leaseholder so desires, the concerned Forest area may again be handed over to him for another term of Forty years.

51. Copies of the Forest Lease May be Given: (1) In case the Forest Lease of the Leasehold Forest is lost, torn out or destroyed or otherwise rendered useless, thereby making it necessary to obtain a duplicate copy thereof, the Leaseholder may submit an application to the Director.

(2) In case an application filed pursuant to sub-rule(1) is received, the Director shall issue a duplicate copy of the Forest Lease of the Leasehold Forest.

52. Evaluation: (1) The Leaseholder have to submit an annual report of the Leasehold Forest to the Director within Two months after the expiry of each fiscal year.

(2) The Director or an Officer designated by him shall monitor at least once in each year as to whether or not work is being done in the Leasehold Forest according to the Work Plan, in the presence of Leaseholder or his representative and submit a report thereof to the Ministry and the Department.

(3) In case the report submitted pursuant to sub-rule (2) shows that the Leaseholder has operated any prohibited functions, the Director may issue an order prohibiting the consumption or collection of the Forest Products of the Leasehold Forest or the operation of any function according to the Work Plan until the matter is investigated.

53. Power to Cancel Forest Lease: (1) In case a complaint is filed to the effect that the Leaseholder has been unable to work according to the Work Plan or has done anything that has a substantial adverse effect on the environment or has not complied with the Act or this Regulation or in case it is learnt through any other source that the Leaseholder has engaged in any prohibited functions or acted contrary to the Work Plan, the Director shall depute a technical employee to conduct an on the spot inspection in the presence of the Leaseholder or his representative and to submit a report thereof.

(2) In case the report of the spot inspection submitted pursuant to sub-rule (1) or the evaluation report submitted pursuant to sub-rule (2) of Rule 52 shows that the Leaseholder has engaged in any prohibited functions, the Director shall provide the Leaseholder with an opportunity to submit his explanation within not more than Thirty Five days.

(3) In case the explanation submitted by the Leaseholder pursuant to sub-rule (2) is not satisfactory, the Director may cancel the Licence and resume the Leasehold Forest within Thirty Five days from the date of the submission of such explanation.

(4) In case of Forest Products planted and grown by the Leaseholder in the Leasehold Forest in respect to which a decision has been taken to cancel the Forest Lease and resume the Forest pursuant to sub-rule (3), the Director shall ask the District Forest Office to make an evaluation of such Forest Products and pay compensation to the Leaseholder as prescribed in Annex-2.

(5) In case the Leaseholder does not agree to the evaluation of Forest Products made pursuant to sub-rule (4), the dispute shall be resolved pursuant to Arbitration Act, 1981.

(6) While paying the amount of compensation to the Leaseholder as determined pursuant to sub-rule (4) or (5), the amount involved in the loss or damage that has resulted from the action taken by the Leaseholder in contrary to the conditions mentioned in the Forest Lease shall be deducted and only the balance shall be paid.

54. Amendment in the Work Plan: In case the Work Plan of Leasehold Forest has to be amended a prior approval of the Ministry shall be obtained.

## Chapter-6

### Religious Forest

55. Application For the Religious Forest: (1) In case any religious body, group or community registered pursuant to prevailing laws desires to manage in a planned manner to any Forest being used by it for any religious purpose which has been continuing on a traditional basis or since ancient times, it shall submit an application in the format as prescribed in Annex-22 to the District Forest Officer along with Work Plan, explicitly mentioning the following details also, in addition to the matters mentioned in Section 35 of the Act:-

- (a) Name of the Religious Forest,
- (b) Management technique to be adopted for the protection of the Religious Forest,
- (c) Procedure of collecting the Forest Products of the Religious Forest,
- (d) Techniques relating to tree plantation and Forest improvement,
- (e) Other details required for the Religious Forest.

(2) The District Forest Officer may conduct necessary enquiries into the application filed pursuant to sub-rule (1) and handover the Religious Forest to the concerned religious body, group or community along with a certificate thereof as prescribed in Annex-23.

56. Records of the Religious Forest to be Maintained: The District Forest Officer shall maintain the records of the Religious Forest handed over pursuant to sub-rule (2) of Rule 55 and send one copy of each thereof to the Director and the Department.
57. Implementation of Work Plan: The concerned religious body, group or community shall have to start work according to the Work Plan in the Religious Forest handed over to it, generally within Three months.
58. Monitoring of Religious Forest: The District Forest Officer or an employee designated by him shall monitor whether or not work has been done in the Religious Forest according to the Work Plan.
59. Utilization of Forest Products of Religious Forest: The Forest Products of a Religious Forest may be utilized by the concerned religious body, group or community for religious purpose only.

Provided that, this Rule shall not be deemed to have obstruct the right to sell the Forest Products available in the Religious Forest areas other than Timber and Firewood and to utilize the proceeds for religious purposes.

60. Religious Forest May be Resumed: (1) In case any religious body, group or community operates any functions which is contrary to the Act, this Regulation and the Work Plan, the District Forest Officer may resume the concerned Religious Forest.

(2) Before deciding to resume a Religious Forest pursuant to sub-rule (1), the District Forest Officer shall provide an opportunity to the concerned religious body, group, or community to submit its explanation within a period not exceeding Thirty Five days.

(3) Any one who is not satisfied with the decision taken by the District Forest Officer to resume its Religious Forest pursuant to sub-rule (1) may file a complaint to the Director within Thirty Five days from the date of the receipt of notice of such decision and the decision of the Director shall be final.

(4) In case the District Forest Officer decides to resume a Religious Forest pursuant to this Rule, he shall again manage the concerned Forest as a Religious Forest.

## Chapter-7

### Private Forest

61. Application For the Registration of the Private Forest: (1) Any person or institution desirous of having a registration of the private Forest, shall submit an application in the format as prescribed in Annex-24 to the concerned District Forest Office along with evidence to prove the ownership on the land.

(2) In case an application is submitted pursuant to sub-rule (1), the District Forest Officer shall make necessary enquiries into the application and in case it is proved that the land mentioned in the application is owned and occupied by the applicant, he may register the concerned land as a Private Forest by explicitly mentioning the species and numbers of trees located on the land and issue a certificate thereof in the format as prescribed in Annex-25.

(3) In case the owner of a Private Forest registered pursuant to sub-rule (2) plants new trees on such land, shall have to inform the District Forest Office about the same in writing explicitly mentioning the species and numbers of Forest Products.

62. Transportation of the Timber: (1) In case the owner of a Private Forest wants to use the Forest Products of the Private Forest for his own purposes at the place where they are located, he may do so after notifying the District forest Office in writing either directly or through the concerned Area Forest Office at least Twenty Four hours before such use, along with the recommendation of a member of the concerned Village Development Committee or Municipality explicitly mentioning the categories and quantities of such Forest Products.

(2) The owner of a Private Forest registered under this chapter may transport the Forest Products of the Private Forest by providing a written notice thereof to the concerned District Forest Office at least Twenty Four hours in advance along with the recommendation of a member of the concerned Village Development Committee or Municipality, explicitly mentioning the category and quantity of the Forest Products and having the matter endorsed by the Forest checkposts located en route.

(3) The owner of a Private Forest which is not registered under this chapter shall submit an application to the District forest Office either directly or through the Area Forest Office to cut trees on his Private Forest. The District Forest Officer may conduct necessary enquiries into the application and grant permission to cut the trees.

(4) Timber from a Private Forest mentioned in sub-rule (3) may be transported only after obtaining a release order from the concerned District Forest Office and having the matter endorsed by checkposts located en route.

(5) For the purpose of transporting the Timber collected from the trees cut in the Private Forest before the commencement of this Regulation, an application shall be submitted to the Officer or Committee specified by His Majesty's Government by publishing a notification in the Nepal Gazette. The timber shall be transported according to the decision taken by the Officer or Committee so specified after conducting necessary enquiries into such application.

63. Duplicate Copy of the Certificate May be Given: In case the certificate of a Private Forest is lost, torn out or destroyed or otherwise rendered useless and in case the owner of the concerned Private Forest submitted an application for its duplicate copy, the District Forest Officer shall issue a duplicate copy accordingly.

64. Records of the Private Forest to be Cancelled: (1) In case the owner of a Private Forest registered pursuant to Rule 62 desires to clear his Private Forest, he shall have to notify the District Forest Office accordingly.

(2) On the receipt of a notice pursuant to sub-rule (1), the District Forest Office shall cancel the records of such Private Forest.

## Chapter-8

### Miscellaneous

65. Operations of the Priority Projects: (1) In case the execution of any project having national priority any Forest Area causes any loss or harm to any local individual or community the operators of the concerned project itself shall bear the amount of compensation to be paid in consideration thereof.

(2) The entire expenses required for the cutting, making in to pieces and transporting the Forest Products in a Forest Area to be used by the approved project shall be borne by the operators of the project.

66. Provisions Relating to Auction Sale: The power to sale any Forest Products through an auction shall be in the Director General in case the value of the Forest Product does not exceed Two Million and Five Hundred Thousands Rupees and in the District Forest Officer if the Value of the Forest Products does not exceed Five Hundred Thousands Rupees.

67. Power to Frame Manuals: The Ministry may, for the purpose of fulfilling the objectives of this Regulation, frame and issue manuals and it shall be the duty of all the concerned persons to comply such manuals.

68. Power to Make Changes or Alterations in Annex: His Majesty's Government may make necessary changes or alterations in the Annexes by publishing a notification in the Nepal Gazette.

69. Repeal: The following Regulations have been repealed:-

- (a) Forest Products Sale and Distribution Regulation,1970.
- (b) Forest Protection (Special Arrangements) Regulation,1970.
- (c) Panchayat Protected Forest Regulation,1978.
- (d) Leasehold Forest Regulation,1978.
- (e) Panchayati Forest Regulation,1978
- (f) Private Forest Regulation,1984.

### **Forest Regulation,2051 (1995)**

