

# The U.P. Panchayati Forest Rules, 1972

UTTAR PRADESH

India

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### Rule THE-U-P-PANCHAYATI-FOREST-RULES-1972 of 1972

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The U.P. Panchayati Forest Rules, 1972 Published vide U.P. Notification No. 3394/14-3, dated 18th May, 1972 In exercise of the powers under Section 28 of the Indian Forest Act, 1927 (Act No. XVI of 1927) and all other powers enabling him in this behalf and in supersession of the existing rules on the subject the Governor is pleased to make the following rules :

#### 1.

(i) These Rules shall be called the U.P. Panchayati Forest Rules, 1972. (ii) They shall be applicable to Naini Tal, Almora, Pithoragarh, Garhwal and Chamoli districts and to such other areas as the State Government may from time to time notify.

#### 2.

The term "Panchayati Forests" includes any area (outside the Municipal or Cantonment limits) which has been duly constituted as such under Rules 5 to 11 hereinafter : Provided that the formation of Panchayati Forest in any forest area under the administrative charge of Forest Department shall be done in consultation with the Forest Department.

#### 3.

In these Rules unless there is anything repugnant in the subject or context-(a) "Act" means Indian Forest Act, 1927 as amended in its application to Uttar Pradesh; (b) a "Forest Panchayat" means a committee constituted for the management of Panchayati Forest under these Rules; (c) "Forest Officer", "Forest Offence", "Forest Produce", "Cattle" and "tree" shall have the same meaning as assigned to them under the Indian Forest Act; (d) "Gaon Sabha" and "Pradhan" shall have the same meaning as assigned to these terms in the U.P. Panchayat Raj Act, 1947 (U.P. Act No. XXVI of 1947); (e) the terms Commissioner, Deputy Commissioner, Sub-Divisional Magistrate, Tahsildar, Patwari, Forest Panchayat Inspector, Conservator of Forest. Divisional or Sub-Divisional Forest

Officer, Block Development Officer used in these Rules mean a Commissioner, Deputy Commissioner, Sub-Divisional Magistrate, Tahsildar, Patwari, Forest Panchayat Inspector, Conservator of Forests, Divisional or Sub-Divisional Forest Officer, Block Development Officer, under whose territorial jurisdiction the Panchayat Forest lie.

#### 4.

The State Government may appoint one or more officers, hereinafter called the Special Officer, to organise and supervise the working of the Panchayati Forests constituted under these Rules. Each officer shall work under the control of the Commissioner but exercise all the powers vested in the Deputy Commissioner under these Rules.

#### 5.

At least one-third of the adult residents who or whose family has resided for twelve years immediately preceding the date of application in the village within whose sal assi boundary the land applied for lies may apply to the Deputy Commissioner for the settlement of a scheme of management of any area not including any holding lying within the sal assi boundary of their village or villages within which their rights of user have been recognised by judicial decision or in a forest settlement :Provided that no land shall be declared to be Panchayat Forest if one-third or more of the residents of the village or villages, within which the area lies, enter objection to the scheme. The application shall specify, as nearly as possible, the situation and the limits of the area applied for.

#### 6.

On receipt of an application under Rule 5, the Deputy Commissioner shall cause a notice to be served by personal service on the Pradhan of the Gaon Sabha concerned; and by affixation in the village or villages, the residents of which apply, in the adjacent village, and in all villages recorded in a forest settlement as having rights or concessions in the area concerned. The notice shall specify the situation and limits of the area applied for and the purpose for which it is required, and shall indicate the date by which the claims and objections to the application, if any, should be filed as also the date when the said claims and objections shall be heard.

#### 7.

On the date so fixed or on any subsequent date to which the proceeding may be postponed, the Deputy Commissioner shall visit the locality and shall hear the claims and objections if any, on the spot and decide the same. If there is any dispute as to the sal assi boundary, he may decide the same in a summary manner, and proceed with the demarcation of the proposed Panchayat Forest on the basis of his own decision. He may accept the application in whole or part, and may prescribe conditions on which the same shall be accepted. In case he rejects the application in whole or in part, he shall record his reasons therefor.

**8.**

In Panchayat Forest constituted from Classes I and II reserved forests, only those persons whose rights are recorded in the lists of rights within whose sal assi boundary such forests lie shall be allowed to exercise rights of user in such forests.

**9.**

The Deputy Commissioner shall then call upon the sal assi residents aged twenty-one years or more of the area and others of the same age as above who will benefit thereby to assemble at a convenient place and time, and shall call on the persons so assembled to elect a Forest Panchayat in the presence of an officer nominated by the Deputy Commissioner. This shall consist of five to nine members as may be decided by the Deputy Commissioner when the members have been duly elected they shall elect a Sarpanch from among themselves by majority vote. The Sarpanch shall be responsible for the proper management of the Panchayat Forest. Any petition raising a dispute relating to the election of the Sarpanch or any member may, by any member of the Forest Panchayat or a resident respectively, be referred to the Deputy Commissioner for decision :Provided that a Government servant or any employee of a Local Body or a person who is in arrears of Panchayat Forest dues and persons convicted on criminal offences involving moral turpitude shall not be eligible for election as Member or Sarpanch :Provided further that no Sarpanch shall be eligible for election as Sarpanch consecutively for more than two terms.

**10.**

Any order passed by the Deputy Commissioner under Rules 7 and 9 above shall be subject to revision by the Commissioner. The period of limitation for filing the revision shall be thirty days from the date of passing of the order by the Deputy Commissioner.

**11.**

When a Forest Panchayat has been duly constituted under Rule 9 the Deputy Commissioner shall take from it an agreement in writing to manage and work the area to be granted or assigned to it according to working plan. The Deputy Commissioner shall submit the proceedings to the Commissioner for sanction.

**12.**

The Deputy Commissioner may, where he considers it necessary, nominate not more than two persons as members of Forest Panchayat from among the residents of Panchayati Forest Area. If no Scheduled Caste Member is elected to the Forest Panchayat, at least one nominee of the Deputy Commissioner shall be of the Scheduled Caste.

**13.**

After the constitution of Panchayati Forest and the Forest Panchayat under Rules 7 to 12 above the Deputy Commissioner shall send intimation about their constitution to the Conservator of Forests and the Divisional Forest Officer concerned.

**14.**

The term of the office of the members of a Forest Panchayat shall be five years and the Forest Panchayat shall have power to fill casual vacancies for the unexpired portion of the said period except in case of a vacancy caused by the removal of member which will not be filled by the Forest Panchayat. The State Government would have the authority to extend the term of any or all Forest Panchayat if it so deemed necessary.

**15.**

If a majority of the Forest Panchayat members consider it necessary to remove an individual member, the Sarpanch shall report the fact to the Deputy Commissioner. The Deputy Commissioner shall proceed to the village and shall ascertain the wishes of the persons entitled to vote and shall act accordingly. If the member is removed, the Deputy Commissioner shall immediately call on the voters assembled to elect new member for the unexpired portion of the term of the member so removed.

**16.**

(1) A Forest Panchayat shall hold a meeting at least once every three months. The proceedings of the meeting shall be recorded in a register in Hindi and a copy thereof shall be sent to the Deputy Commissioner within seven days of the meeting : Provided that an emergent meeting may be convened by the Sarpanch either himself or at the requisition of at least half the strength of the Forest Panchayat at any time after giving at least three days prior notice. (2) All decisions of Forest Panchayat shall be taken by two-third majority vote. (3) The quorum of Forest Panchayat shall be two-thirds of the total members including the Sarpach or his nominee. (4) The Patwari, Village Level Worker, Panchayat Secretary and a nominee of the Divisional Forest Officer may attend a meeting of the Forest Panchayat but shall not have any right to vote.

**17.**

A Forest Panchayat may appoint, subject to the availability of funds and previous approval of the Deputy Commissioner, such paid staff as may be necessary.

## 18.

It shall be the duty of every Forest Panchayat to make reasonable provisions within its jurisdiction-(a)to prevent reckless destruction of trees and for felling only those trees that have been marked silviculturally by Forest Department as fit for exploitation;(b)to ensure that no encroachment of any kind takes place and no land is broken for cultivation in contravention of the Rule made under Kumaon Nayabad and Waste Lands Act, 1948;(c)to erect and maintain boundary pillars;(d)to carry out the directions and execute the orders given to it by the Deputy Commissioner to maintain, improve and exploit the forests. Such orders will be issued by the Deputy Commissioner on the advice of the Conservator of Forests or Divisional Forest Officers;(e)to utilize the produce of Panchayati Forest, to the best advantage of the village community and of the right holders, recognised by established custom or permitted by the Commissioner consistent with silvicultural availability;(f)to close at least 20 per cent of the area for grazing unless otherwise permitted by the authority to be specified by the Commissioner for the purpose;(g)to protect the forest from illicit fellings, lopping and other kind of damage and fire.

## 19.

(1)The Forest Panchayat shall have the status of a Forest Officer and shall exercise the following powers for the area entrusted to it-(a)to compound forest offences committed within its forest for a sum of money up to the limit of Rs. 50 for each individual offence by way of compensation according to the nature of offence and up to a limit of Rs. 500 after obtaining previous approval of the Divisional Forest Officer concerned :Provided that, if the offender is prepared to compound the case, the Forest Panchayats shall realize the full market-value of the property involved in the offence assessed by an officer not below the rank of a Divisional Forest Officer, in addition to the compensation referred to in this Rule;(b)to institute and defend suits and proceedings in respect of claims arising under these Rules;(c)to make local sale of forest produce including slates and stones without detriment to the forest and to issue permits and charge fees for grazing or cutting grass or collection of fallen fuel if considered necessary; provided such an exploitation has the prior approval of the Divisional Forest Officer and is made for the bona fide domestic use of right holders. The permission of the Divisional Forest Officer would not be necessary for allowing grazing or cutting grass or collection of fallen fuel. If the Forest Panchayat feels that it has exploitable trees or other forest produce for commercial sale within its forest, it shall apply to the Deputy Commissioner who shall forward the same with his comments and recommendations to the Divisional Forest Officer who in turn shall forward the same with his recommendation to the Conservator of Forests concerned for orders on receipt of which further action to mark and sell the trees or other forest produce shall be taken by the Divisional Forest Officer;(d)to regulate grazing and the admission of cattle into Panchayati Forest;(e)to impound cattle entering into the Panchayati Forest and to detain them up to 48 hours if such cattle are not covered under permits issued by the Panchayat;(f)to exclude from any or all privileges in the Panchayati Forest any person whom the Panchayat may, with good reason, consider responsible for any fire or damage to the area or who disobeys orders issued by the Panchayat in exercise of the powers conferred on it;(g)to exercise such other powers as may be notified by the State Government from time to time;(h)to seize all tools or weapons used in committing forest offences within the area.Any order passed under clause (f) or clause (h) shall be

appealable to the Deputy Commissioner. Such appeal shall be made within a period of thirty days from the date of the Order of Forest Panchayat.(2)Unless special permission of the State Government has been obtained no resin from Chir trees may be extracted and sold except with the approval of the Conservator of Forests. Such order of approval may inter alia be prescribed-(i)that any such extraction and sale of resin shall be done by the Forest Department itself;(ii)that the Panchayat concerned, may itself arrange for such extraction and sale of resin subject to the provisions-(a)that the trees must be tapped and resin must be extracted in accordance with the rules in force in the Forest Department for such tapping and extraction and that the work may at any time be inspected by the Forest Department officials, to ensure that such rules are being observed; and(b)that all out turn of resin be sold in accordance with the directions of the Conservator of Forests :Provided that, if he considers that any forest is not suitable for resin tapping, or that such orders are not being carried out or that for any other reason resin tapping operations are not desirable he shall in consultation with the Divisional Forest Officer, prohibit such extraction of resin altogether :Provided further that nothing in the last preceding proviso shall empower him to prohibit the extraction of resin for local, domestic or medical purposes.

## **20.**

The Forest Panchayat may frame bye-laws for the distribution of forest produce among persons entitled thereto, for regulating, grazing, cutting of grass and collection of fuel and for any other purpose consistent with these Rules. The bye-laws shall come into force after they have been approved by the Commissioner.

## **21.**

It shall be obligatory on the part of Forest Department to have working plans or Schemes for all Panchayati Forests prepared and to bear the entire cost of preparation of all such Working Plans or Schemes. The Conservator concerned shall get the working plan or scheme prepared. The working plan or scheme shall be approved by the Chief Conservator of Forests before it is brought into force. Once approved by the Chief Conservator of Forests it shall be the duty of Forest Panchayat to strictly adhere to the prescription of the working plan or scheme and not to deviate from it without the prior approval in writing of the Chief Conservator of Forests.

## **22.**

The exploitation of timber firewood and minor forest produce [excluding resin for which Rule 19 (2) above may be seen], slates, stones, gravel, grass for commercial purposes shall be done strictly according to the prescriptions of the working plan or scheme if any, in force or if no such scheme is in force after obtaining the consent of the Divisional Forest Officer concerned. The forest produce so exploited shall be sold by public auction in accordance with the orders issued by the Deputy Commissioner in consultation with the Conservator of Forests, Divisional Forests Officer from time to time :Provided that-(i)estimate of the value of the forest produce intended to be sold by public auction shall be prepared by the Forest Panchayat and got approved by the Divisional Forest Officer concerned;(ii)if the estimated price of the produce as approved by the Divisional Forest Officer is up

to Rs. 2,000 auction may be conducted by the Sarpanch of the Forest Panchayat;(iii)if the estimated price of the produce is above Rs. 2,000 but below Rs. 5,000 the auction shall be conducted by the Sub-Divisional Forest Officer concerned;(iv)if the estimated price of the produce is Rs. 5,000 or above, the auction shall be conducted by the Divisional Forest Officer.All auctions of Rs. 5,000 and above shall be subject to the approval of the Conservator of Forests concerned and those below Rs. 5, 000 shall be subject to the approval of the Divisional Forest Officer concerned. No such approval shall be given without first intimating the results of the auction in writing to the Panchayats concerned and giving them 15 days' time for objection, if any. If any objection is received, the Divisional Forest Officer shall withhold his approval and refer the matter to the Deputy Commissioner. No auction shall be considered final unless such approval has been obtained in writing. An intimation about the approval of the auction shall be sent by the Divisional Forest Officer/Conservator of Forests to the Deputy Commissioner, concerned.

## **23.**

(a)The net figure of income from the sale proceeds of resin and other forest produce shall be determined as follows :(i)Forest Department shall charge its actual cost of extraction of resin plus such overheads as may be determined by the State Government from time to time;(ii)As regards the other forest produce, Forest Department shall charge 10 per cent of the sale proceeds as administrative charges.(b)The net income as may be determined in the manner indicated above on account of sale of resin and other forest produce together with the income accruing from other items, such as compensation money and fees etc., shall be credited to the Panchayati Forest Fund and shall be distributed and utilized as follows :(i)20 per cent to Zila Parishad for development purposes, i.e., for carrying out projects of local public utility;(ii)40 per cent to Forest Panchayats for development purposes, i.e., for carrying out projects of local public utility; and(iii)40 per cent to the Forest Department which shall be kept separate by the department and not merged in his general revenues and shall be spent by them on maintenance and development of Panchayati Forests. The approval of the Commissioner to the proposals of the Forest Department for utilization of the income will have to be obtained and a utilization certificate will also be furnished to him by the Forest Department.

## **24.**

Every Forest Panchayat shall prepare and pass an annual estimate of its income and expenditure hereinafter referred to as "annual budget" for financial year commencing from 1st April and allocate funds out of its annual income to discharge its obligations under Rule 18. A copy of this annual budget shall be sent to the Deputy Commissioner for sanction who may, in consultation with the Divisional Forest Officer, make such alteration therein for reasons to be recorded in writing, as he thinks fit.

## **25.**

A Forest Panchayat may at any time, after the annual budget takes effect, make any modifications or changes therein by adopting a resolution in this behalf. The Sarpanch shall forward a copy of this

resolution to the Deputy Commissioner who shall make modifications and charges in its annual budget in consultation with the Divisional Forest Officer, if deemed proper.

## **26.**

(1) The administration of Panchayat Forest Fund shall be in the hands of the Forest Panchayat subject to the general control of the Deputy Commissioner or an official appointed in this behalf by him. (2) All money transactions to which any member of the Forest Panchayat or any officer or a servant of Forest Panchayat is in his official capacity a party shall without any reservation be brought to account and all the money shall be credited in full to Panchayati Forest Fund with the exception of authorised advances. (3) Money due to a Forest Panchayat shall be collected either by payment at the office of the Forest Panchayat or by outdoor collections or by both the methods as the Deputy Commissioner may direct. Receipts for all money received shall be issued by the Sarpanch of the Forest Panchayat or by the person authorised to receive money on his behalf. (4) A proper account of all income and expenditure of the Panchayati Forest Fund shall be maintained by the Sarpanch. The accounts shall be closed and balanced at the end of every month and shall be examined and passed by the Forest Panchayat at a meeting in the following month.

## **27.**

(1) Unless prevented by a reasonable cause, it shall be the duty of the Sarpanch- (a) to convene and preside over all meetings of the Forest Panchayat; (b) to control and transact business and preserve order; (c) to watch the finances and superintend the administration of the Forest Panchayat and bring to its notice and defects therein; (d) to superintend and control the staff and establishment maintained by the Forest Panchayat; (e) to carry out the resolutions of the Forest Panchayat; (f) to arrange for the maintenance of various registers prescribed under the rules and to carry out all correspondence on behalf of the Forest Panchayat; (g) to file civil suits and launch prosecutions on behalf of Forest Panchayat; (h) to nominate in writing a member of the Forest Panchayat for the purpose of discharging the function of the Sarpanch in his absence; and (i) to perform such other duties as are required or imposed on him by or under the rules or any other law. (2) The member nominated by the Sarpanch under clause (h) of sub-rule (1) shall during such absence, exercise all the powers and perform all the duties of the Sarpanch conferred on or assigned to him under these Rules. If the Sarpanch fails to make any such nomination the members of the Forest Panchayat may elect any one Of the members present at the time of the meeting as Sarpanch to conduct the proceedings of the meeting.

## **28.**

The Sarpanch of a Forest Panchayat may be removed from office if a vote of no confidence is moved, under prior intimation in writing to the Deputy Commissioner by at least 1/3rd of the members of the Forest Panchayat and passed by 2/3rd of majority votes at subsequent meeting of the Forest Panchayat.



**29.**

A Sarpanch of the Forest Panchayat wishing to resign his office, may do so, either by presenting to the Deputy Commissioner in person, or by sending to his address by registered post, his written resignation signed by himself and attested by the local revenue official and his office shall become vacant on the acceptance of the resignation.

**30.**

A list of all records, funds and property shall be prepared wherever the charge is handed over and the person handing and taking over charge shall sign the list in token of its being correct. The copies of this list duly signed by both the persons shall be given to Forest Panchayat Inspector by the person taking over charge. A copy of this list duly signed shall also be given to the person handing over charge. In case of any dispute about any record, funds or property both the persons shall be entitled to make their observations by affixing a note at the foot of the charge list.

**31.**

A Forest Panchayat shall maintain such registers, books and records for such periods as may be prescribed by the State Government or the Deputy Commissioner.

**32.**

The Forest Panchayat shall submit to the Deputy Commissioner with copy to the Divisional Forest Officer concerned before the 10th day of April of each year an annual report of their working during the previous financial year. The report shall contain the following information-(a)a statement showing the utilization of their funds;(b)a statement showing the demand and realisation;(c)steps taken by Forest Panchayat during the year under report to carry out the purposes mentioned in Rule 18;(d)income and expenditure incurred;(e)a statement showing the exploitation, fellings (whether for commercial purposes or for bona fide domestic use of the right-holders and local villagers), silvicultural and other regeneration and recuperative works carried out during the year. If any working plan or working scheme is in force for the Panchayati Forest concerned the statement should in particular show what prescriptions were prescribed to be carried out by the said working plan or scheme and what was actually done against these prescriptions;(f)any other matter of importance.

**33.**

Working of all Forest Panchayats within their jurisdiction shall be inspected at least once in three years by officers specified for the purpose by the Conservator of Forests who will submit their inspection reports to the Conservator of Forests who will then submit his report to the Chief Conservator of Forests forwarding a copy thereof to the Commissioner and the Deputy Commissioner concerned. Inspection shall be made during a year by the following officers also, of

the Forest Panchayats within their respective territorial jurisdiction according to the standard prescribed below :

- |   |   |
|---|---|
| (1) Commissioner  | .. 5 inspections per district.          |
| (2) Deputy Commissioners                                | .. Not less than 15 in their districts. |
| (3) Forest Panchayat Officers/Sub-Divisional Magistrate | .. 25                                   |
| (4) Tahsildar   | .. 15                                   |
| (5) Block Development Officers                          | .. 10                                   |

These inspections shall be in addition to those made by officers specified for the purpose by the Conservator of Forests.

### **34.**

All money payable to Forest Panchayat on account of the expenses incurred on the Panchayati Forests for the price of any forest produce sold under these Rules or any other dues legally chargeable under these rules from a villager or right-holder or any person shall be deemed to be money payable to Government and shall be recoverable as arrear of land revenue under Section 82 of the Indian Forest Act, 1927.

### **35.**

Money shall not to be paid from the Panchayati Forest Fund except on requisition or withdrawal signed by the Sarpanch.

### **36.**

The audit of the accounts of every Forest Panchayat shall be done under the orders of the Chief Audit Officer to Government, Co-operative Societies and Panchayats, U. P. at such intervals and in such manner as the State Government may direct. The Deputy Commissioner shall be responsible for production of the records of the Forest Panchayats for audit.

### **37.**

The audit objections shall be discussed at a special meeting of the Forest Panchayat convened by the Sarpanch within a month of receipt of the same and the action to be taken in regard to them shall be decided. The action decided to be taken shall be indicated on an interleaved copy of the margin of this audit note and the annotated copy shall be sent to the Deputy Commissioner as soon as possible and in any case within three months of the receipt of the objections. Another copy shall be kept and produced for information of the inspecting officers.

**38.**

Whenever any embezzlement of money belonging to the Panchayati Forest Fund is discovered by the Sarpanch or any other officials the facts of such embezzlement shall be immediately brought to notice of the Deputy Commissioner who will then inform the Accountant General, U. P. and the Commissioner.

**39.**

The Deputy Commissioner on receiving the report under Rule 38 shall forthwith institute an inquiry into the embezzlement.

**40.**

The Deputy Commissioner may during the course of an inquiry suspend a member of a Forest Panchayat or a Sarpanch of Forest Panchayat and debar him from taking part in any act or proceedings of the said body and order him to hand over records, money or any property of the said body to the person authorised in this behalf :Provided that an appeal shall lie against an order passed under this rule to the Commissioner. Such appeal shall be made within a period of 30 days from the date of order.

**41.**

Any person vacating an office of the Sarpanch by resignation, removal or any persons suspended shall forthwith handover the charge of this office to a member of the Forest Panchayat nominated by the Deputy Commissioner.

**42.**

(1)The Deputy Commissioner either of his own or on receipt of a complaint may, after such enquiry as he may deem fit to make either himself or through an officer not below the rank of a Sub-Divisional Magistrate at any time remove a member or Sarpanch of Forest Panchayat, if he-(i)remains absent without sufficient cause from more than three consecutive meetings;(ii)refuses to act or becomes incapable of acting for any reasons whatsoever, or if he is convicted of any offence involving moral turpitude;(iii)has abused his position or has persistently failed to perform the duties imposed by these Rules or his continuance as such is not desirable in public interest;(iv)misbehaves or indulges in physical violence at a meeting of the Forest Panchayat;(v)acquires any of the disabilities mentioned in the first proviso to Rule 9 :Provided that no member or Sarpanch of Forest Panchayat shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.(2)An appeal against an order passed under sub-rule (1) shall lie to the Commissioner. Such appeal shall be made within a period of 50 days from the date of the order.

**43.**

(1)The Deputy Commissioner may suspend, supersede or dissolve any Forest Panchayat if in his opinion such Forest Panchayat abuses its position or is found negligent in the discharge of duties imposed upon it under these Rules or if its continuance is not considered desirable in public interest.(2)When a Forest Panchayat is thus dissolved, suspended or superseded, the Deputy Commissioner may nominate a Forest Panchayat for the temporary management of the Panchayati Forest which shall hold office for the remaining un-expired term of the Forest Panchayat.(3)The orders passed by the Deputy Commissioner under this Rule, shall be subject to revision by the Commissioner. The period of limitation for filing the revisions shall be 30 days from the date of the passing of the order by the Deputy Commissioner.

**44.**

Where the Sarpanch of Forest Panchayat is suspended, the Deputy Commissioner may nominate in writing member of the Forest Panchayat as a temporary Sarpanch of the Forest Panchayat to exercise all the powers and perform all the duties of the Sarpanch until such date as either he is reinstated or if he is removed from office until such date as a new Sarpanch is elected.

**45.**

The Deputy Commissioner may by order in writing prohibit, rescind, modify or confirm the execution of a resolution, direction or order passed by a Forest Panchayat or by any of its officers if in his opinion such resolution, direction or order is of a nature as to cause obstruction, annoyance or injury to public or public interest or is against the provisions of these Rules.

**46.**

Subject to such instructions as may be issued from time to time by the Deputy Commissioner, two or more Forest Panchayat may combine by means of a written instrument to appoint a Joint Forest Panchayat consisting of their representatives for the purpose of transacting any business in which they are jointly interested.

**47.**

The members of the Legislature, Adhyaksha, Zila Parishad and other elected representatives shall be entitled to inspect any Panchayat and its Forests within the area they represent.

**48.**

In case Forest Panchayat does not carry out the Forest development work prescribed by the working plan, if any in force or any other works connected with the development of the forests considered necessary by the Divisional Forest Officer/Conservator of Forests, the same may be got done by the

Divisional Forest Officer/Conservator of Forest at the cost of Forests Panchayat.

**49.**

All the existing Panchayati Forests/Panchayats which, prior to the commencement of these Rules, where constituted under the Kumaon Panchayat Forest Rules framed under the Scheduled District Act, 1874, shall be deemed to have been duly constituted and working under the Rules with effect from the date of enforcement of these Rules.