

VFDS THE BYE-LAWS

**THE BYE-LAWS OF
The Village Forest Development Society
Project for Improvement of HP Forest Ecosystems Management & Livelihoods
NAME, ADDRESS AND AREA OF OPERATION**

Definitions

- 1.) The society shall be called the Village Forest Development Society. It shall be referred to here-in-after as the society.
- 2.) The registered address of the society shall be -----Post Office-----
Tehsil -----District----- .
- 3.) The area of operation of the society shall cover the following village/villages:
- 4.) In these by-laws, unless there is anything repugnant in the subject or context
 - i) **"Act"** means Indian Forest Act, 1927, (Act No.16 of 1927) as amended in its application to Himachal Pradesh.
 - ii) **"Conflict Resolution Group"** means a group consisting of representatives of the concerned Gram Panchayats, a representative of the local non-government organizations or local community-based organizations, a representative from local/migratory community and the concerned Assistant Conservator of Forests/Forest official.
 - iii) **"common land", "family", "Gram Panchayat", "Panch", "Pradhan", "Village" and "Ward"** shall have the meanings respectively assigned to them in the Himachal Pradesh Panchayati Raj Act, 1994 (Act No.4 of 1994).
 - iv) **CD & LIP:** Community Development and Livelihood Improvement Plan refers to the plan activities that shall be included in the microplan to enhance community wellbeing and resilience of household economy.
 - v) **CIG:** Common Interest Group refers to a group of persons who have a common interest in a particular Livelihood Improvement Activity.
 - vi) **"Department"** means the Himachal Pradesh Forest Department.

- vii) **"Divisional Forest Officer"** means the forest officer in-charge of a territorial or wildlife forest division of the Department;
- viii) **FEMP:** Forest Ecosystems Management Plan refers to plan activities concerning forest and forest resource management that shall be included in the microplan to address the issues related to the forest and forest areas that are managed by group members.
- ix) **"Ecosystem approach"** as defined in Convention on Biological Diversity, 2004.
- x) **"Forest Ecosystem Services (FES) approach"** is defined as the management of a particular forest ecosystem that aims to realize the best fit of combination of FES as demanded by society.
- xi) **"Forest offence"** as defined in IFA, 1927.
- xii) "Forest Officer" means a Forest Officer as defined under sub-section (2) of section 2 of the Act;
- xiii) **"Executive Committee"** means executive body of Society; xiv "General House", means General House of the Society; xv "Government " means Government of Himachal Pradesh;
- xiv) **"Grazier group"** means a group of persons, resident members or migratory graziers, who are dependent on the grazing resource in the selected area for meeting their livelihood needs;
- xv) **"Micro-plan"** means a holistic forest management and development plan of the area selected for participatory management;
- xvi) **"participatory forest management"** means management of Government forest and Government land including common land managed Jointly by the Society and by the Department;
- xvii) **"right holders"** means an individual (s)/community or group as mentioned in record of right holders in settlement record / IFA 1927/FRA 2006

- xviii) "**selected area**" means any Government Forest and Government land including common land selected under regulation 3 of these Regulations;
- xix) "**self-help group**" means any organized group of persons, who collectively by mutual help are able to enhance their economic status through resource based activities;
- xx) "**site specific plan**" means a sub component of the micro-plan which is a technically appropriate plan for the site;
- xxi) "Society" means the Village Forest Development Society registered under section 6 of the H.P. Societies Registration Act,2006 for participatory forest management;
- xxii) "**sustainable forest management**" means management which is economically viable, environmentally benign and socially beneficial, and which balances present and future needs; and
- xxiii) "**User group**" means a group of persons dependent upon a common natural resource for sustaining its livelihood need.

Objectives

The objectives of the society shall be : -

- i) to manage and enhance the forest area ecosystems selected for participatory management by sustainable forest ecosystem management, biodiversity conservation and livelihoods improvement as desired by the society through a micro-planning process.
- ii) to identify and set up requisite measures and enabling conditions that support participatory planning, effective implementation of activities mentioned in the micro- plan and monitoring and evaluation processes that result in best utilization of resources.
- iii) to undertake such other activities as are incidental to or conducive to the attainment of the above objectives in a sustainable manner.

MEMBERSHIP

Subject to the provisions of by-law 7, any individual shall be eligible for admission as a member of the society, if he is:

- i) over 18 years in age and of sound mind;
- ii) bonafide resident in the area of operation of society;
- iii) of good character; and
- iv) right holder (including landless right holders) according to revenue record

7.) No individual shall be eligible for admission as a member of the society, if: -

- i) He/she has applied bankruptcy. Or
- ii) He/she has been declared as insolvent, Or
- iii) He/she has been sentenced for any offence; involving dishonesty or moral turpitude within 5 years preceding the date of his admission as a member.

8.) A member may be expelled for one or more of the following reasons: -

- i) Ceasing to reside in the area of operation of society;
- ii) Conviction of a criminal offence involving dishonesty or moral turpitude;
- iii) Application for bankruptcy;
- iv) An action which may be held by the general body to be dishonest or contrary

to the interest, reputation and stated objects of the society.

9.) A person shall cease to be member of the society in one or more of the following circumstances: -

i) Death;

ii) Withdrawal after six months" notice to the Secretary of the society,

iii) Permanent insanity;

iv) Declaration of bankruptcy;

v) Ceasing to be a right holder in the Forest.

GENERAL BODY

10.) All the members of the society on a given date shall constitute the General Body of the society. New members shall get their names registered in the Membership Register, with the Secretary.

11.) The General Body of members of the society shall meet once in six months. A meeting of the General Body shall be convened by the Secretary of the society.

12.) In case of an emergent situation, if 20% of the total members submit a requisition/application to the President, Vice-President or any member of the executive Committee, a meeting of the General Body shall have to be called within 7 days of such requisition / application.

13.) The Secretary shall verbally or in written inform all the members at least 7

days in advance, specifying the date, place and time and agenda of the general meeting. The written information / notice of a general shall be affixed on the walls at least two conspicuous places, designated by the General Body itself.

14.) The quorum of the meeting shall be two- third of the total number of members, out of which 50 % should mandatorily be female members.

15) The decisions in these meetings will be subject to the will of the majority. The issues for discussion/decision shall be raised either verbally by the members in the meeting or by conveying the same in written to the Secretary. In the latter case, the issue shall be: raised by the Secretary and if desired so, the name of the member conveying the issue shall not be disclosed.

16.) The President or, in his absence, the Vice-President shall preside over meetings of the General body. When both of them are absent, the members present shall elect a Chairperson for the meeting.

17.) Every member of the General Body shall have one vote. Voting by proxies shall not be allowed at the general body. Unless otherwise provided in these by-laws, all questions shall be decided by a majority of votes of the members present. When the votes are equal, the Chairperson of the General Body shall have a casting vote.

18) Unless otherwise provided in these by-laws the ultimate authority in all matters relating to the administrations of the society shall vest in the General Body.

19.) Without prejudice to the general provisions of the preceding by-law, the General Body shall have the following powers and duties:

i) To approve of the micro plan prepared by the joint forest management society for the management of forests under its jurisdiction, implementation of the project activities and sharing of the usufructs/benefits.

ii) To approve the amendments in by-laws framed for the society.

iii) The election, suspension, and removal and of the elected members of the Executive Committee.

iv) Amendments in the Micro plan. However, such amendments shall be valid subject to the approval by the concerned Divisional Forest Officer.

v) Transaction of any other business with the permission of the Chairperson of the general body; 20.) Each member present at general meeting shall be entitled to exercise one vote only. The President shall have a casting vote.

21.) All business discussed or decided at a general meeting shall be recorded in a proceeding register by the Secretary, which shall be signed by all the members at the end of the meeting.

22.) A copy of the proceedings of the meeting shall be to the DFO, through the concerned Forest Guard/range Officer. Another copy shall be sent to the Gram Sabha.

EXECUTIVE COMMITTEE

23.) Executive Committee shall consist of 7 to 16 members (depending upon the population). The constitution of Executive Committee of the Society shall be as

follows as per the HP Participatory Forest Management Rules:

i) **President** - to be elected by General House

ii) **Vice President** - to be elected by General House

iii) **Four Members** - to be elected by General House;

iv) **Joint Secretary (woman)** - do

v) **Ward Panch** - ex-officio member;

vi) **President** - Mahila Mandal

vii) **Representative** - Local women group -do- viii) **Three Members** - to be co-opted from the village level committees constituted by other departments of the Government, societies register under the Societies Registration Act, 1860, (Act No.21 of 1860); forest/resource based user groups, self-help group and grazier group;

ix) **Local Forest Guard/Guards** shall also be the members.

x) **Member Secretary** - Member Secretary to be elected by General House.

xi) **Treasurer** – The Concerned Deputy Ranger shall be Treasurer. In case of two or more Deputy Rangers, the senior most shall be Treasurer. There will be a joint account in the names of President and Treasurer. The said account will be operated jointly by both and the necessary cash book and other financial account, measurement of works will be recorded by Treasurer.

Provided that at least 50% members of the Executive Committee shall be women. The Joint Secretary shall assist the Member Secretary in the execution of his/her functions.

24.) The elections of the Executive Committee shall be held every two years. The elected members of the Executive Committee shall hold office for a period of two years from the date of assumption of office.

25.) The election shall be conducted through casting single ballot by the members of the General Body or by means of General Consensus amongst the members. 26.) The members of the Executive Committee shall meet once every month.

27.) The information regarding the meeting shall be given to the members by the Secretary well in time.

28.) In emergent circumstances, the meeting of the Executive Committee shall be called on the verbal/written requisition of at least 3 members of this committee. Such meeting shall be called within 3 days of submission of such requisition to the Chairperson /Secretary of the Committee.

29.) The quorum of the meeting shall have to be two-third of the total number of members of the Executive Committee; only then the decisions taken in the meeting shall stand valid.

30.) If the Chairperson of the meeting is a male, the vice-chairperson should be a female and vice-versa.

31.) Executive Committee shall have the following powers and duties: -

i) To prepare a schedule for the activities enlisted in the micro plan, to be implemented by the Society. The schedule shall include the specific distribution of funds and labour activity wise and the provision for monitoring and of the progress. The beneficiaries of a particular activity shall have to contribute in terms of labour. If the same is not possible, they shall be delegated the responsibility to supervise the progress of the ongoing works.

ii) To prepare a list of activities to be carried out and the corresponding budget every six months, and to get the same approved by the General Body. iii) Members of the Executive Committee shall carry out the inspection of the areas in question once in a month and shall impart necessary directions or take proper action in case any drawback/irregularity is found.

iv) To take appropriate action under the relevant Act/Rules against an individual who violates any of the rules mentioned in the micro plans. The Executive shall summon such offender either in its meeting or in the General Body and shall initiate action against him/her as per the recorded procedure, in case the reply is not found satisfactory.

v) The Executive Committee shall not initiate any legal action against an individual without affording him/her an opportunity to be heard.

vi) Executive Committee shall not carry out any change in the micro plan on its own.

vii) The Executive Committee shall employ any person for a work/activity, mentioned in the schedule and shall disburse honorarium as per prescribed

project norms for such work. The terms and conditions for the same shall be decided by the Executive Committee.

32.) All business discussed or decided at a meeting of the Executive Committee shall be recorded in a proceeding register by the Secretary, which shall be signed by all the members at the end of the meeting.

Powers of the Executive Committee

33.) The Executive Committee shall exercise the powers of a “Forest Officer” as assigned by the Government under the Act.

Usufruct Sharing

34.) Society shall be entitled to the following benefits, namely: -

i.) to collect the yield such as fallen twigs, branches, loppings, grass, bamboos, fruits, flowers, seeds, leaf fodder and non-timber forests products free of cost through individual or collective arrangements as decided by the Society;

ii.) to the sale proceeds of all intermediate harvest, subject to protection of forest and plantations for at least 3 years from the date of agreement;

iii.) to organize and promote vocational activities related to forest produce and land; and other activities such as promotion of self-help groups which may provide direct benefits,

including micro-lending to women. None of the activities so promoted shall affect the legal status of the forest land;

iv.) recorded rights over the forest shall not be affected by these benefits;

v.) the Government shall charge no royalty on the forest produce within the selected area;

vi.) after 5 years, the Society may expand the area, on the basis of a fresh agreement deed, by inclusion of adjoining or nearby areas;

vii.) to utilize at least 40 percent of the sale proceeds on forest regeneration activities including soil and water conservation.

Provided that for the purpose of usufruct, the usufruct sharing family shall be one unit.

35.) That all the assets and resources created by the Society in tandem with forest department shall be properly recorded and the sharing of usufructs shall be legally binding on both parties as per the agreement executed between them in the beginning itself. Forest department shall also aim at creating alternative sources of income (in form of fire protection works/forest plantations/nursery raising/soil and water conservation/any revenue from harvesting of planted commercial forests and other resources).

Funds and Maintenance of Accounts

36.) Funds shall be generated by the Society through contribution by members and sale of usufructs under these regulations. All funds, including those received from the Government, Gram Panchayats and non-government sources shall be utilized through the micro-planning process.

37.) The sum received by the Society shall be deposited in the name of the concerned Society in a nationalized bank or scheduled bank or co-operative bank or post office and

the account shall be operated under the signatures of the President and Treasurer of the Society.

38.) The Treasurer shall maintain the account of Revenue and Expenditure of the society in a proper Account/Cash Book. The account so maintained shall be placed before the Executive Committee as well as the general body. The funds from all sources shall be utilized only on activities enlisted in the micro plan. The withdrawal of funds from the Bank account shall be affected through signing cheques / electronic transfers/ bank drafts only.

39.) The Society shall elect an Audit & accounts Committee comprising of 3 members. This committee shall carry out the inspection of the works done and the accounts maintained by the Executive Committee and if it comes across any discrepancy/irregularity, the same shall be intimated to the General Body.

40.) The Society shall seek the advice of certain experts on important matters. No fee shall be payable for such service; however the society can pay honorarium and travelling expenses can be disbursed to such experts.

41.) Treasurer shall be entitled to keep an amount of Rupees 1000/- only, for expenditure in case of an emergent situation. In case of any additional income he/ she shall get the amount deposited in the bank, within 3 days of its receipt.

42.) The Treasurer shall be entitled to spend an amount of Rupees 1000/- only in case of an emergency, with the prior permission of the President of the Executive Committee.

43.) The accounts of the Society shall be audited by a Govt.-recognized Auditor on an annual basis, and shall be shared with forest department.

PRESIDENT

44 (i.) To provide leadership to the Village Forest Development Society. For undertaking different responsibilities, he/she shall seek the help of the other members of the Executive Committee

ii.) To preside over the meetings of the Executive Committee and General Body

iii.) To facilitate decision-making in Executive Committee on legal matters

iv.) To sign and authenticate all documents on behalf of the Village Forest Development Society

v.) To sign the MOU with any department/agency (after due approval from Executive Committee) on behalf of the Village Forest Development Society

vi.) To prepare plan and arrange for the implementation of the micro plan with the agreement and cooperation of other members of the Executive Committee

vii.) To sign cheques (Banks) on account of expenditure duly approved by the Executive Committee and issue utilization certificates (UCs) jointly with signatures of Treasurer.

viii.) To coordinate with other departments/agencies/non-government agencies

ix.) To carry out regular inspection of the project works such plantations, stream rejuvenation, lantana eradication, grass improvement, livelihood development, fire prevention and control etc. And to take steps for the improvement of forest and natural resources

x.) To assist and facilitate working of the forest department project authorities especially with respect to detection and investigation of forest offences xi.) To supervise the working of the Executive Committee and to give necessary directions from time to time

MEMBER SECRETARY

45 (i.) To organize the meetings of Executive Meeting, General Body and other meeting Executive Committee, General Body and meetings with forest department, project authorities and other agencies and record in proceeding registers.

ii.) To affix relevant information pertaining to Society, Forest and Project works on notice boards for general awareness and to transmit relevant and necessary information to all the members of the Society especially pertaining to the decisions, plans, budgetary provision, institutional rules and regulations etc.

iii.) To assist the president in fulfilling his duties and responsibilities

TREASURER

46 (i.) To maintain the cash/accounts books and registers, other related record pertaining to Society. He/She shall also look after the records and files pertaining to the society and keep them with proper care.

ii.) To operate the Bank Account on behalf of the Society along with President of the Executive Committee.

- iii.) To maintain all records pertaining to revenue and expenditure, profit and loss, demands, resolutions for new expenditures, bills and vouchers etc. related to Society
- iv.) To assist the Executive Committee in preparation of Budget every six month.
- v.) To issue receipts pertaining to revenue and expenditure and to ensure spending of money for the works for which the money has been duly approved by the Executive Committee
- vi.) To ensure regular audit of the accounts of the Society from the Govt-recognized auditors and to supply the audit report to the Forest Department with signature of the President and Member Secretary and Treasurer himself/herself.
- vii.) To carry out correspondence regarding project with other departments agencies and project authorities.
- viii.) to sign cheques (Banks) on account of expenditure duly approved by the Executive Committee and issue utilization certificates (UCs) for works, jointly with signatures of President of the Society.

MISCELLANEOUS

47.) **Grant-in-Aid.** Forest department through project shall release Grant-in- Aid to the Society under the Government of Himachal Pradesh Grant-in-Aid Rules, 2002 subject to the availability of funds and satisfactory performance of functions by the Society.

48.) **Coordination meetings:** There shall be quarterly meeting of the executive committee of the Village Forest Development Society with Divisional Forest Office: wherein there will be review and feedback on the various project/forest related matters. The meeting will also be used to discuss, plan and coordinate various matters pertaining to the management and protection of forest areas and other relevant issues.

49 Settlement of dispute.

i.) In case of any dispute in relation to usufruct sharing in Society, the Deputy Ranger concerned of the Department, shall take steps to reconcile the dispute. In case the dispute is not resolved, the Deputy Ranger shall refer the dispute, along with his report to the Ranger Officer concerned of the Department. The Range Officer, after hearing the parties shall resolve the dispute within 30 days from the date of receipt of report of the Deputy Ranger.

ii.) In case of any dispute between two villages or between the Society and the Forest Department, an application shall be submitted to the Conflict Resolution Committee for settlement of the same. The Committee shall resolve the dispute within 15 days of such application.

50.) **Appeal.** An appeal shall lie from the decision of the Range Officer the Conflict Resolution Group to be filed within 30 days from the date of decision, who shall decide the same within 60 days from the date of filing of appeal, after affording an opportunity of heard to the parties. The decision of the Conflict Resolution Group shall be final and binding on the parties. The Conflict Resolution Group shall send a copy of the decision to the Society and the Divisional Forest Officer concerned free of cost.

51.) Powers of the Government

Notwithstanding anything contained in these regulations, the Government shall have the powers to issue directions to the Society on participatory forest management processes, micro-planning, coordination, monitoring, grant-in-aid and implementation mechanisms.

