

Buffer Zone Management Rules, 2052 (1996)

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In exercise of the powers conferred by the Section-33 of the National Parks and Wildlife Conservation Act, 1973, Government of Nepal has framed the following Rules.

Chapter - 1

Preliminary

1. **Short Title and Commencement:** (1) These Rules may be called "Buffer Zone Management Rules, 2052 (1996)."[⌘]
(2) These Rules comes into force immediately.
2. **Definitions:** Unless the subject or context otherwise requires in these Rules:
 - (a) "Act" means the National Parks and Wildlife Conservation Act, 1973.
 - (b) "Ministry" means Government of Nepal, Ministry of Forest and Soil Conservation.
 - (c) "Department" means Government of Nepal, Department of National Parks and Wildlife Conservation.
 - (d) "Director General" means the Director General of the Department.
 - (e) "User" means all the people living within the Buffer Zones to utilize forest resources and direct beneficiary from the project to be operated for the community development of local people.
 - (f) "Users' Committee" means the Users' Committee formed under the Rule-8.
 - (g) "Buffer Community Forest" means the Buffer Community Forest handed over to the users' committee under the Rule-21.
 - (h) "Buffer Religious Forest" means the Buffer Religious Forest handed over to the religious body, group or community under the Rule-22.
 - (i) "Buffer Private Forest" means the Buffer Private Forest planted in private

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lands within the buffer zone under the Rule-23.

- (j) "Buffer Zone Forest" means the Forests under the Rule-25 excluding buffer community forest, buffer religious forest and buffer private forest within the buffer zone as provided in Section-3a of the Act.

Chapter-2

Demarcation of Buffer Zone

3. **Prescription of Buffer Zone**: Government of Nepal, while prescribing buffer zones of the peripheral area of national park or reserve by describing boundary under Section-3a of the Act, shall consider natural boundary as the primary basis, and the following factors shall also be considered:
- (a) areas likely to be affected from national park and reserve,
 - (b) geographical situation of national park and reserve,
 - (c) status of the villages and settlements located within national park and reserve,
 - (d) area that could be practicable and appropriate from the point of management of the buffer zone.
4. **Unit Division of Buffer Zones**: (1) For proper management of the buffer zones, the warden may divide such areas into various units.
- (2) While dividing a buffer zone into units under the Sub-rule (1) based on the status, extent and users' settlement of the buffer zone, local authorities and users shall be coordinated.

Chapter - 3

Management of Buffer Zones

5. **Preparation of Management Work Plan**: (1) The warden shall prepare and submit buffer zone management work plan to the Department for community development, environmental conservation and the balanced utilization of forest resources of the buffer zones.
- (2) The following provisions shall be included in the work plan under the Sub-rule (1):

- (a) description of forests, bushes, grass lands and fallow land areas,
- (b) status of forest boundaries,
- (c) description of cultivated and fallow land,
- (d) maps prepared showing rivers, streams and other water resources,
- (e) description of population, population density, forest areas and utilization of forest resources,
- (f) description of the forest that can be handed over as community, religious and private forests within the buffer zone,
- (g) work plan to be implemented for forest development,
- (h) work plan to be implemented for the community development,
- (i) man power and financial resources for implementation of the work plan,
- (j) programmes on soil conservation, tourism development, environmental and historic heritage conservation,
- (k) annual description of collection and utilization of forest resources,
- (l) description of the requirement of forest resources for the local people,
- (m) description of the area for implementation of land use system,
- (n) description of other requirements for the management of buffer zones

(3) The Director General shall submit the management work plan submitted under the Sub-rule (1) with necessary amendments if necessary, to the Ministry for approval.

(4) The Ministry may approve the management work plan submitted under the Sub-rule (3).

(5) Concerned Warden shall have the responsibility for the implementation of the management work plan approved under the Sub-rule (4).

6. **Amendment in Management Work Plan**: (1) The warden may put forward the management work plan to the Department with his opinion to make any amendments if he deems necessary.

(2) If it is seen reasonable to make amendment on the management work plan submitted under the Sub-rule (1), the Department shall forward a report with its opinion to the Ministry.

7. **Conservation in Buffer Zone**: The warden shall have the responsibility to do or get the following conservation works done in the buffer zones:

- (a) wildlife,
- (b) natural environment and natural resources,
- (c) bio-diversity,
- (d) forests,
- (e) development works.

Chapter-4

Users' Committee

8. **Formation of Users' Committee**: (1) The warden may form necessary users' committees in co-ordination with the local bodies to assist community development and balanced utilization of forest resources, and the conservation of the elements mentioned in the Rule-7 in the units divided under the Rule-4.

(2) Users' committee under the Sub-rule (1) shall have a president, a vice president, a secretary, a treasurer and at least five members selected by users from among themselves.

(3) Users themselves shall prescribe the selection procedure for the

officials of the users' committee.

(4) The terms of the officials of the users' committee will be for five years.

9. Registration of the Users' Committee: (1) After the formation of the users' committee under the Rule-8, an application shall be submitted according to the Schedule-1 to the Warden for registration of the users' committee.

(2) If an application is received under the Sub-rule (1), the Warden shall register the users' committee after necessary inquiry, and give registration certificate as prescribed in the Schedule-2.

10. Functions, Duties and Powers of Users' Committee: The Users' committee shall have the following functions, duties and powers:

- (a) to do or cause to do the work as prescribed in the approved work plan of the area,
- (b) to implement the project works in its responsibility in a proper way,
- (c) to manage the operation and maintenance of the project responsibilities taken by it,
- (d) to mobilize people's participation and labor force for the completion of the project,
- (e) submit the budget and annual programs, and get them approved by calling a meeting of the users,
- (f) provide financial and other statements demanded by concerned authorities,
- (g) to manage the renovation and maintenance by charging maintenance fee from the users,
- (h) to prescribe the type, quantity, the area to be used, method, time and fees for forest resources necessary for the daily use of local people annually,
- (i) to prescribe grazing area, type, number of animals and grazing fees,

- (j) to update the record of immigrants and migrant of the area,
- (k) to take responsibility of any project handed over to it,
- (l) to prepare directory needed to regularize its procedure and submit to the warden for approval,
- (m) to do or get it done the reforestation in its area,
- (n) to carry out programs to control floods, land slides, and soil erosion,
- (o) to operate users' committee's fund,
- (p) to carry out other necessary works.

11. Sub-Committee may be formed: (1) Users' committee may form necessary sub-committees to run the programmes smoothly under the Rule-10 in its area.

(2) The formation procedures, functions, duties and powers of the subcommittee under the Sub-rule (1) shall be as prescribed by the users' committee.

12. Meeting and Decision of Users' Committee: (1) The meeting of the users' committee shall be held as and when necessary.

(2) Date, time and venue of the meeting shall be as determined by the president.

(3) The president, or in his/her absence the vice-president shall chair the meeting of the users' committee. If both, the president and the vice president are absent, the person chosen from among the attending members of the committee shall chair the meeting.

(4) The quorum to hold the meeting shall be fifty percent of the total number of the members.

(5) The decision of the meeting shall be passed by the simple majority.

(6) The secretary of the users' committee shall attest the minutes of the meeting.

(7) Other procedures regarding the meetings of the users' committee

shall be as prescribed by the users' committee itself.

13. Work Plan of Users' Committee: (1) User's committee shall prepare the work plan for the works to be done for community development, natural resources conservation and utilization of forest resources within the buffer zone in its own area and get it approval by the users.

(2) The warden shall provide necessary technical assistance to the users' committee while preparing the work plan under the Sub-rule (1).

(3) The following details shall be included in the work plan under the Sub-rule (1):

- (a) name of the concerned users' committee,
- (b) boundaries of the units of the concerned users' committee,
- (c) management method to be adopted for the conservation of forests, wildlife and environment,
- (d) method of collection of the forest resources,
- (e) grazing place and method in forest area,
- (f) plant thinning, pruning, cleaning and other methods of forest silviculture,
- (g) method of reforestation and forest reform,
- (h) method of distribution, management and sale of forest resources,
- (i) method and policy to be adopted for land management,
- (j) necessary other matters.

(4) Users' committee shall submit the work plan passed by the meeting of users under the Sub-rule (1) to the warden for approval.

(5) The warden shall after necessary inquiring, approve the work plan submitted to him for approval under the Sub-rule (4) with necessary amendments if it is necessary and inform such to the concerned users' committee.

14. Dissolution of Users' Committee: (1) Warden may dissolve user's committee in the following conditions:

- (a) if it acts against approved work plan,
- (b) if it fails to accomplish the duties and responsibilities under the Rule-10,
- (c) if it does the prohibited acts under the Rule-17.

(2) Before dissolving the users' committee under the Sub-rule (1), the warden shall provide reasons and shall demand clarification by giving fifteen days' notices to the users' committee.

(3) If the warden feels the clarification demanded under the Sub-rule (2) is unsatisfactory, he/she or a technical staff designated by him/her may make a field inspection.

(4) On the basis of the report received after the field inspection under the Sub-rule (3), the warden if he deems necessary, may dissolve such users' committee.

(5) The warden may dissolve users' committee if the two third members of the concerned users' committee request in writing for the dissolution of the users' committee.

(6) The officials who are not satisfied with the dissolution of the users' committee under the Sub-rule (4) or (5) may appeal to the Director General within thirty-five days of the notification of the dissolution of the users' committee.

(7) If an appeal is made under the Sub-rule (6) and the decision of the dissolution of the users' committee by the warden is approved or if such an appeal is not made, the warden shall again form another users' committee and make it operated after the deadline for the appeal is over.

(8) If the users' committee is dissolved and an appeal is filed under the Sub-rule (6), the warden or the designated by him shall manage such

area until the final decision is made or in case the appeal is not filed and until another users' committee is formed under the Sub-rule (7).

(9) Property and responsibility of the dissolved users' committee shall be transferred to the users' committee formed under the Sub-rule (7).

15. Fund of Users' Committee: (1) Users' committee shall have a separate fund.

(2) The following amounts shall be in the fund under the Sub-rule (1):

- (a) income received from selling of forest products prescribed by the buffer zone community forest work plan,
- (b) amount received under the Section-25a of the Act,
- (c) amount received from giving hunting licenses under the Rule-35,
- (d) donations or financial assistance received from donor agencies or individuals,
- (e) miscellaneous.

(3) Users' committee shall operate the fund by opening an account in a bank.

Provided that, a person designated by the committee may handle up to Ten Thousand Rupees in an area where banking facility is not available.

(4) The fund shall be operated by joint signatures of the two officials designated by the users' committee.

(5) Expenditure to be borne by the users' committee, shall be spent from the users committee's fund.

(6) The amount received by the users' committee for the specific programme or work should be spent for the same programme or work.

(7) While performing construction work or getting it done through others, the users' committee shall follow the norms made by the Ministry

from time to time relating to the rate analysis for the development programs of the forest, botany, wildlife and soil conservation by not exceeding the rates and norms.

16. Auditing of Users' Committee: (1) Auditing of each fiscal year of the users' committee shall be done by the person assigned by the concerned warden.

(2) Users' committee shall have to submit documents and records of account as demanded by the person assigned for auditing under the Sub-rule (1).

(3) If the auditing finds financial abuse by the officials of users' committee, the warden shall make such person repay the amount as the governmental debt.

Chapter-5

Prohibited Activities within Buffer Zone

17. Prohibited Activities within the Buffer Zone: No person unless in possession of written permission from the warden shall commit the following acts within a buffer zone. It is considered a crime if such acts are done.

- (a) Occupy any land without legal ownership or cut trees, clear forests or cultivate forestland,
- (b) Any activities damaging forest resources or to set fire in the forests,
- (c) Excavate stone, earth, sand or mine or remove any minerals, earth or other such materials,
- (d) Use of any harmful poison or explosive substances into the river, stream or source of water flowing in the buffer zone,
- (e) Hunting illegally and any acts damaging to wildlife.

18. Order can be Given to Stop or to Rectify Activities: (1) If any actions being operating or to be operated within or outside the buffer zone, have or will have the negative impact on the land use, public health, natural

environment and natural resources conservation, the warden may on the recommendation of the users' committee give an order to the concerned person or institution to stop such activities immediately or to mitigate the impacts.

(2) Reasons to stop such activities or the description of the types of reform be made should be clearly stated in the order given under the Sub-rule (1).

(3) The person or institution that is not satisfied with the order given by the warden may appeal to the Department within thirty-five days after receiving the order notice. Decision made on such appeal by the Department will be final.

19. No Damage shall be caused: No person shall cause any damage to the public road, culvert, fence, signpost, signal, or other public property inside the buffer zone.

20. Approval to be sought: (1) Before registering or giving license for the operation of industries other than cottage industries by the authorized official, the official shall register or give license for the operation of such industry only after getting written approval of the Department.

(2) Notwithstanding anything contained in the Sub-rule (1), before registration or providing license for cottage industry based on forest resources, the official shall register or provide license for the operation of the industry only after getting approval of the Department.

(3) The Department shall prepare Guidelines for the operation of industries under the Sub-rule (1).

(4) The industries other than cottage industry and industry based on forest resources operating within buffer zones before the commencement of these Rules, shall operate such industry under the Guidelines prepared by the Department under Sub-rule (3) within one year after the declaration of the buffer zone under Section-3a of the Act

Chapter-6
Provision Relating to Forest Development

21. May be Handed over as Buffer Community Forest: (1) If the users' committee is interested to take any forest area as a buffer community forest in the area prescribed as the buffer community forest for the management of buffer zone under the Rule-4 shall apply to the warden in a format mentioned in the Appendix-3.

(2) The warden shall provide necessary technical and other assistance to the users' committee to develop a work plan if an application is filed pursuant to Sub-rule (1).

(3) The warden may, after necessary examination of the application made under Sub-rule (1) and the work plan submitted for approval by users' committee, shall give the whole forest area or in part as mentioned in the application to the concerned users' committee along with a certificate under the Appendix-4.

(4) The users' committee may submit a proposal for amendment of the work plan approved by the warden. Warden may give approval on such proposal as it is or with amendments.

(5) In case of users of two or more users' committees request the same forest area as buffer community forest, the warden may, in co-ordination with concerned users hand over such forest area on the basis of mutual understanding.

(6) The users' committee taking responsibility of the buffer community forest under the Sub-rule (3) will be request for an explanation by giving a maximum of fifteen days notice if it does not act in accordance with the work plan.

(7) If the explanation submitted is not satisfactory, or if the field report deems it reasonable to take the buffer community forest back, the

warden him/herself shall manage such withdrawn forest after taking it back.

(8) If the users' committee is not satisfied with the decision made to take back the buffer community forest under the Sub-rule (7) may appeal to the Director General against such decision within thirty-five days after receiving the notification of such decision. The decision given by the Director General will be final in such a case.

(9) Until the final decision is made on the appeal made under Sub-rule (8) the warden shall manage such forest him/herself.

(10) By paying fees as prescribed by the users' committee, the users' of buffer community forest shall be allowed to use the forest resources of the forest planted and grown by the user's committee itself by not exceeding in extent and quantity of the use of such resources under the work plan.

(11) By paying fees as prescribed by the user's committee, the user's of the buffer community committee forest shall be allowed to use the forest resources received from the forest area conserved as the community buffer forest by the users' community itself by not exceeding in extent and quantity under the work plan.

(12) Users' shall be allowed to transport forest products, except timber and firewood obtained under the Sub-rule (10) and (11) from the buffer zone. Users shall have to obtain permission from the warden before making such transportation.

22. May be Handed over as Buffer Religious Forest: (1) Any religious authority, group or community willing to develop, conserve and utilize any religious place situated in the buffer zone from ancient time or the peripheral forest of such place will have to give an application in accordance with Appendix-5 to the warden by describing the area, boundaries and programs to be carried out in such a forest.

(2) After necessary investigation on the application tendered under Sub-rule (1), the warden may hand over such buffer religious forest as

demanded by the applicant, or with necessary amendment to the religious authority, group, or community with a certificate as mentioned in Appendix-6. Provision should be made so as not to effect the right of the traditional users while handing over such forest.

(3) Timber and firewood located in the buffer religious forest may be used only in religious works of the concerned religious place.

Provided that, trees shall not be allowed to cut that may cause negative impact on the environment or cause damage to public property or soil erosion in the watershed area.

(4) The warden may make a decision to take such a buffer religious forest back if the concerned religious authority, group or community act against Sub-rule (3) or fails to perform the said activities in the buffer religious forest under Sub-rule (2).

Provided that before making a decision to take the buffer religious forest back, fifteen days notice shall have to be given to the concerned religious authority, group or community to submit the explanation.

(5) If the religious authority, group or community, if not satisfied with the decision made by the warden under Sub-rule (4) may appeal against the decision to the Director General within the thirty-five days notification of such a decision. The decision made by the Director General on such appeal shall be final.

23. Buffer Private Forest can be Cultivated: (1) The rightful owner of the land within the buffer zone may develop, conserve, manage buffer private forest and utilize the forest products as he wishes.

(2) The warden may provide necessary technical assistance to the owner of the buffer private forest.

(3) The owner of buffer private forest is allowed to transport sale or distribute freely the forest products of the buffer private forest within the buffer zone.

(4) If the owner of buffer private forest has to transport, sale or distribute the forest products of buffer private forest out side the buffer zone, shall have to apply to the warden with the description of species, kind, and quantity of the forest products.

(5) If an application is received under the Sub-rule (4) and upon necessary examination, the forest products are found to belong to the owner of the buffer private forest, the warden may by insuring that there shall no environmental impact, give permit to transport the products from the buffer zone by defining species, kind and quantity, and stamp seal in case of wood.

(6) The permits under the Sub-rule (5) shall be certified at the concerned forest check post while transporting of the forest products.

24. Wood and Firewood shall be Provided: (1) The warden himself or through the users committee may collect the wood or firewood that are drifted, edged or trapped or submerged on the river bank within the buffer zone.

(2) Warden shall make arrangement to keep the confiscated wood or firewood securely within the buffer zone during the process of legal procedure. If such wood or firewood is found from the forest managed by users' committee, such wood or firewood shall be given back to the concerned users' committee.

(3) The warden may prescribe appropriate location to make a depot for selling the wood and firewood, and decide the maximum limit of wood or firewood to be given to the local users under the Sub-rule (1) or (2).

(4) While acting under the Sub-rule (3), the warden shall have to work in co-ordination with the concerned users' committee.

(5) While selling the wood or firewood, the depot shall have to sale it to the local users on the basis of the recommendation of concerned users' committee, the quantity under the Sub-rule (3), and royalty under the Sub-

rule (6).

(6) While prescribing the rate of wood or firewood for selling under the Sub-rule (5), the warden shall have to prescribe the rate on the basis of the rate of the wood or firewood prescribed by the existing forestry laws and also includes the costs incurred during collecting such wood or firewood.

(7) The Wood or firewood sold under the Sub-Rule (5) will be not permitted to be used outside the buffer zone.

(8) By deducting the amount incurred in the collection of wood or firewood from the amount received by selling under the Sub-rule (5), the remaining amount shall have to be deposited into the government account.

25. Buffer Zone Forest: (1) The warden if he deems necessary may prescribe any unit as a buffer zone forest for the management of the buffer zone under the Rule-4.

(2) While prescribing the buffer zone forest under Sub-rule (1), soil conservation, wildlife, plants and the environmental aspect of such area should be taken into consideration.

(3) Warden shall have to conserve, develop, and manage the forests within the buffer zone as prescribed under this Rule.

(4) If any users' committee of the buffer zone desires to take the forest products from the buffer zone, the warden shall have to sell by charging prescribed fees to such users' committee. If more than one user's committees desire to take such forest products, it shall be sold in a proportional basis.

(5) In a condition when no committee desires to take such forest products, the warden shall have to put it to auction.

Chapter-7

Community Development

26. **Allocation of the Expenses for Community Development:** (1) The Ministry shall prescribe the percentage of amount to be expended for the community development of local people from among the amount earned by the national parks, reserves or conservation areas under the Section-25a of the Act

(2) On the basis of the following factors, the Ministry shall determine the percentage of the amount to be expended for the community development under the Sub-rule (1):

- (a) annual income earned by national park, reserve or conservation area,
- (b) population and area of the buffer zone,
- (c) situation of community development of the buffer zone,
- (d) impact caused by national park or reserve in the buffer zone,
- (e) contribution of the local people on the conservation of national park, reserve or conservation area,
- (f) availability of local resource and means that could be needed for the community development,
- (g) local people's interest, motivation and participation for community development,

(3) While determining the distribution of the amount to which unit to get what amount from among the amount received for community development of the buffer zone, the following committee shall be formed:

- (a) a person selected by the presidents
of users' committees of the buffer
zone among them -Chairperson

- (b) representative of the concerned district development committee -Member
- (c) presidents of the concerned users' committees -Member
- (d) Warden -Member- Secretary

(4) If the buffer zone is located in more than one district, representatives of all district development committees will be in the committee under Sub-rule (3).

(5) The warden shall call meeting as and when required under Sub-rule (3) in consultation with the chairperson of the committee. The other working procedures regarding the meeting will be as determined by the committee themselves.

(6) While distributing the amount received for community development by the community under Sub-rule (3), the remaining amount after allocating the estimated amount for compensation under Section 3c of the Act, shall have to be distributed to the users' committees on the basis of the following:

- (a) location and population of the user's committee,
- (b) demand and necessity of the community development,
- (c) impact caused by the national park or reserve on such area,
- (d) contribution of the local for the conservation of wildlife, forest resources and natural resources of that area,
- (e) local people's interest, motivation and participation in community development,
- (f) estimated cost of the project operated in a particular unit.

(7) The amount to be distributed for the community development

under Sub-rule (6) will be released on quarterly basis.

27. Activities Relating to the Community Development: (1) By selecting the project which may be operated from the amount given for users' committee for community development under the Rule-26, the users' community shall have to prepare and submit the proposal of such project along with cost estimate and users' labor component to the warden.

(2) The warden shall have to provide technical assistance to the users' committee for the preparation of cost estimate under Sub-rule (1). If the warden fails to provide the technical assistance and makes a request to the District Development Committee, the District Development Committee shall have to provide such technical assistance to the users' committee.

(3) After examining the project proposal submitted under Sub-rule (1), the warden may approve to launch such project on the basis of appropriateness.

(4) The warden shall release the amount to the concerned users' committee on an installment in accordance with the cost estimate submitted by the users' committee under Sub-rule (2).

(5) After completion of the project, users' committee shall request the warden to verify the project, and if such a request is made, the warden shall have to provide technical assistance. If the warden fails to provide the technical assistance and makes a request to the District Development Committee, the District Development Committee shall have to provide such technical assistance to the users' committee.

(6) After completion of the project conducted by users' committee, the users' committee shall have to submit a report on accounts and the final verification to the warden. The warden shall register such reports on accounts and the final verification, and provide certification of such report to the users' committee.

(7) After the submission of the final verification report with bills and

vouchers, the warden make on the site inspection as and when needed and finds the work completed, he may clear the advance amount taken by the users' committee.

(8) The expenses incurred while making the cost estimate and final checking of the project under Sub-rule (1) will be included in the expenditure of the concerned project.

- 28. Development Project Should Carried out without Duplication:** While carrying out community development related work under the Rule-27, the warden shall see that there is no duplication with the works of the project of community development conducted in the unit by any other authorities, institution or office.
- 29. Project to be Selected on the Basis of Priority:** While selecting projects, the users' committee shall have to give priority to those projects that meet the requirement of local people and conserve natural resources.
- 30. Obligation of Local Users:** The following are the obligations of the local users who benefit from the project operated from the amount received for community development under the Rule-26:
- (a) provide labor contribution for the accomplishment of the project,
 - (b) pay maintenance fees in project,
 - (c) provide necessary assistance for the accomplishment, operation and maintenance for the project.

Chapter-8

Method of Depositing Amount and Prescribing Compensation

- 31. Amount to be Deposited in the Deposit Account:** (1) Amount earned by national park, reserve or conservation area will be deposited in a bank by opening a Deposit Account of the name of the concerned office of the national park, reserve or conservation area.

(2) After allocating the percentage of amount prescribed by the Ministry for community development under Rule-26 on quarterly basis

from among the amount balanced in the Deposit account under Sub-rule (1), the remaining amount shall be deposited into the Revenue Account.

32. Method of Determining Compensation Amount: (1) The residents, who request for the amount of compensation under Section-3c of the Act, shall have to submit an application to the users' committee with the description of the damage.

(2) If an application is submitted under Sub-rule (1), the users' committee, after making necessary investigation of the actual damage done may fix and recommend the compensation amount with the description of the damage.

(3) If a recommendation of users' committee is made under Sub-rule (2), the committee under Sub-rule (3) of Rule- 26, after making necessary examination shall determine the amount if it deems to make the compensation.

(4) The compensation amount assessed under Sub-rule (3) shall have to be given to the concerned people.

(5) After the compensation is made available to the concerned people under Sub-rule (4), the warden shall write to the concerned Land Revenue Office to record-off of such compensate land.

Chapter-9

Miscellaneous

33. Operation of Service in the Buffer Zone: (1) If the Ministry wishes to operate any services or amenities within the buffer zone through any person pursuant to Section-6 of the Act, it shall publish a bid tender notice in major newspapers giving at least 35 days notice with necessary specifications of such services or amenities and the terms and conditions of the operation, and it shall also mention the office or official for the submission, the opening date and time of the bid tender in such a bid notice.

(2) If the Ministry considers the bid tenders submitted within the

stipulated time under the Sub-rule (1) are not in conformity with the Rules and unsatisfactory, it may republish a notice for another bid.

(3) From among the tenders submitted according to the Sub-rule (1) or (2), the Ministry shall accept the bid that promises to pay highest royalty and is in compatible with environmental conservation.

Provide that, under certain circumstances, the Ministry may accept a tender bidding a lower amount, and the official accepting the tender shall have to state the reason for accepting the bid.

(4) The bidder promising to operate services or amenities inside the buffer zone shall prepare and submit a detailed plan of construction works for such services and amenities to the Ministry for approval.

34. Application of Land Use System: (1) On the land specified for the application of land use system in pursuant to Rule-5, the warden, with the consent of the concerned users' committee, may cause the users to plant particular crops or to do horticulture or to plant trees or grass or make them do any other works with the application of land use system.

(2) The warden may provide technical or other assistance to the land owner or the tenant who are to work applying the land use system pursuant to Sub-rule (1).

35. Hunting may be allowed: If the pressure increases in the buffer zone with the significant rise in number of wildlife inside the national park or reserve, the Department may provide hunting permission inside the buffer zone for animals other than the endangered species by not exceeding the quota set by the Department.

36. Research Work may be Carried out: (1) A person interested to conduct a research work within buffer zone, may conduct the research after receiving pre-approval of the Department, and a copy of his/her research report shall be submitted to the Department.

Provided that, if a foreign national or institution is interested to conduct a research work, the Department may give permission for the same upon charging the prescribed fees.

(2) The warden and the users' committee shall have to provide necessary assistance the persons who want to conduct research pursuant to Sub-rule (1).

37. To Notify the Warden: The users' committee shall maintain up to date record of immigrants and migrants in and from its area and give notice of such records to the warden.

38. To Assist the Warden: Local administration, police, governmental or non-governmental organizations, users' committees and all the concerned shall have to assist the warden in the management and conservation of the buffer zones.

39. Interim Provision: (1) Subject to the directives of the Department, the warden may manage the buffer zone until the management plan is comes into force, on the basis of appropriateness.

(2) Until the management work plan comes into effect pursuant to Rule-13, the concerned users' committee shall have to carry out the work of its area in accordance with the directives given by the warden.

40. Adjudicating Authority to Hear Cases and Appeal: (1) The warden shall have the power to dispose of the cases of the offence related to the management and conservation of buffer zone so declared pursuant to Section 3a of the Act.

(2) The party, who is not satisfied with the decision made by the warden under the Sub- Rule (1) may appeal before the Court of Appeal within thirty-five days after receiving the notice of such decision.

41. Framing Manual: The warden may frame and apply required manual for the management, conservation and development of buffer zone upon receiving approval from the Ministry.

42. **Result of the Withdrawal of the Buffer Zone:** (1) If Government of Nepal withdraws the buffer zone pursuant to Sub-section (2) of the Section-3a of the Act, the amount received by the local people for the community development and the benefits enjoyed by them in the buffer zone, shall no longer be provided to them in such area.

Provided that, Government of Nepal shall provide the amount for the completion of the on going project in the buffer zone.

(2) If the buffer zone is withdrawn, existing laws on forestry shall be enforced in such area.

43. **Changes or Alterations in Schedules:** Government of Nepal may make necessary changes or alterations by publishing a Notice in the Nepal Gazette.

44. **Saving:** If the forest handed over as community forest, leased forest, religious forest, etc. pursuant to prevalent laws before the commencement of these Rules to fall inside the buffer zone, it shall continue to be according to the existing laws until the expiry of the concerned management work plan, and after the expiry of the term, the work shall be carried out pursuant to these Rules.

Schedule -1

(Relating to Sub-rule (1) of the Rule 9)

Format Sample of Application for the Registration of Users' Committee

The Warden,

... .. National Park/ Reserve Office

... ..

Upon forming a users' committee pursuant to the provisions of the National parks and Wildlife Conservation Act, 1973 and the Buffer Zone Management Rules,(1996), we, hereby submit this application stating the following descriptions. We would like to register the consumer's committee and request to be informed about it.

Particulars

- (a) Name of the user' committee:
- (b) Boundaries:
- (c) Approximate area:
- (d) Number of households:
- (e) Total population:

Applicants

.. .. on behalf of the Users' Committee

<u>S.N.</u>	<u>Name</u>	<u>Position</u>	<u>Signature</u>
1.			
2.			
3.			
4.			
5.			

Date:

Schedule-2

(Related to Sub-rule (2) of the Rule 9)

Government of Nepal

Department of National Parks and Wildlife Conservation

.....National Park/ Reserve Office

Users' Committee Registration Certificate

Registration No.:

Date:

TheUsers' Committee

.....

This certificate has been awarded to the User's Committee upon registering it pursuant to the authority conferred by the National Parks and Wildlife Conservation Act, 1973 and the Buffer Zone Management Regulation, 1996.

Descriptions of users' committee:

- (a) Name:
- (b) Boundaries:
- (c) Approximate area:
- (d) Household number:
- (e) Total population:

Certificate Issuing Officer's

Name:

Position:

Signature:

Note: *Twenty Five Rupees fees shall be charged for a duplicate copy of the certificate if the certificate is lost, torn or damaged.*

Schedule-3

(Relating to Sub-rule (1) of the Rule 21)

Application to be Submitted for the Registration of Buffer Community Forest

The warden,

.....National Park/ Reserve Office

.....

We are interested to conserve, develop and utilize the following forest area as a Buffer Community Forest in accordance with the attached work plan subject to the provisions of the National Parks and Wildlife Conservation Act, 1973 and the Buffer Zone Management Rules, 1996, and hereby submit this application for the handing over the forest area to this users' committee.

- (a) Name and address of the forest proposed to be management as the buffer community forest:
- (b) Boundaries:
- (c) Area:
- (d) Does any wildlife exist or not? If yes, which species of wildlife?

Applicants

On behalf of the Users' Committee

<u>S. N.</u>	<u>Name</u>	<u>Position</u>	<u>Signature</u>
---------------------	--------------------	------------------------	-------------------------

1.

2.

3.

4.

Date:

Schedule-4

(Relating to Sub-rule (3) of Rule 21)

Certificate of the Registration of Buffer Community Forest

Government of Nepal

Ministry of Forest and Soil Conservation

Department of National Parks and Wildlife Conservation

.....National Park/ Reserve Office

The.....Users' Committee,

.....

The following Buffer Forest area is handed over as Buffer Community Forest to be managed and utilized in accordance with the attached work plan and subject to the National Parks and Wildlife Conservation Act, 1973 and the Buffer Zone Management Rules, 1996.

Descriptions of Buffer Community Forest:

Name:

Boundaries:

Area:

Certificate Issuing Warden's

Name:

Signature:

Date:

Note: *Twenty-five rupee fees shall be charged for a duplicate copy of the certificate if this certificate is lost, torn or damaged.*

Schedule-5

(Relating to Sub-rule (1) of Rule 22)

Application to be submitted for the Registration of Buffer Religious Forest

The Warden,

.....National Park/ Reserve Office

.....

We are interested to conserve, develop and utilize the following forest area as a Buffer Religious Forest in accordance with the attached work plan and subject to provisions of the National Parks and Wildlife Conservation Act, 1973 and the Buffer Zone Management Rules, 1996, and we, hereby, submit this application for the handing over the forest area to this Religious authority/group/community.

Proposed buffer forest interested to be managed as a buffer religious forest:

Name:

Boundaries:

Area:

On behalf of

Religious authority/group/community

Name:

Signature:

Position:

Date:

Schedule-6

(Relating to Sub-rule (2) of Rule 22)

Certificate of Registration of Buffer Religious Forest

Government of Nepal

Ministry of Forest and Soil Conservation

Department of National Parks and Wildlife Conservation

.....National Park/ Reserve Office

The.....Users' Committee

.....

The following Buffer Forest area is handed over as Buffer Religious Forest to be managed and utilized in accordance with the attached work plan to that Religious institution/group/community subject to provisions under the National Parks and Wildlife Conservation Act, 1973 and the Buffer Zone Management Rules, 1996.

Description of the Buffer Religious Forest:

Name:

Boundaries:

Area:

Certificate Issuing Warden's

Name:

Signature:

Date:

Note: *Twenty Five Rupees fees shall be charged for a duplicate copy of the certificate if this certificate is lost, torn or damaged.*