

Rules and Orders in Force in Certain Districts

ASSAM

India

Rules and Orders in Force in Certain Districts

Rule RULES-AND-ORDERS-IN-FORCE-IN-CERTAIN-DISTRICTS of 1881

- Published on 15 March 1881
- Commenced on 15 March 1881
- [This is the version of this document from 15 March 1881.]
- [Note: The original publication document is not available and this content could not be verified.]

Rules and Orders in Force in Certain DistrictsLast Updated 12th February, 2020

Chapter 1

Section 1- The Garo Hills Regulation, 1882 (Regulation No, 1 of 1882)

Preamble. - Whereas Regulation 1 of 1876 (The Hills Regulation, 1876), the operation of which was extended for one year by the Chief Commissioner's notification issued with the previous sanction of the Governor General in Council on the 15th March, 1881, ceased to be in force in the 31st day of the March 1882 ;And whereas it is desirable to re-enact certain provisions of the said Regulation, it is hereby enacted as follows :

1. Short title.

- This Regulation may be called "The Garo Hills Regulation, 1882.Local extent and commencement.
- It extends only to the Garo Hills district, and comes into operation on being published in the Assam Gazette.

2. Power to the Chief Commissioner.

- The Chief Commissioner may, from time to time, subject to the control of the President, by notification in the Assam Gazette-(a)to prohibit certain acts. - Prohibit all or any person, not being natives of the Garo Hills district, from doing any of the following acts within the limits of the said district without a licence, that is to say,-cutting wood,hunting animals,collecting wax, ivory, India-rubber, or other jungle products, and(b)to regulate the granting of licences to do such acts. -

Prescribe the conditions and restrictions subject to which, and the amount of fees on payment of which, and the persons by whom, licences to do any of the said acts may be granted.

3. Penalties for offences against Section 2.

- Any person who does any act in contravention of a notification issued under Section 2 of this Regulation, and any holder of a licence under the said section who does any act in contravention of a restriction or condition imposed by such licence, shall be punished for a first offence with a fine not exceeding one hundred rupees, and for each subsequent offence with imprisonment of either description for a term which may extend to three months, or with a fine not exceeding five hundred rupees, or with both; and the Magistrate by whom he is convicted may further order that all animals or carcasses of animals, and all wood, wax, ivory, India-rubber, or other jungle products found in his possession, and all animals, ropes, nets, guns, ammunition, and other things used by him in the commission of such offence, shall be confiscated.

4. Acquisition of interests in land prohibited.

- It shall not be lawful for any British subject, or other person not being a native of the Garo Hills district, to acquire any interest in land or the product of land within the limits of the said district without the sanction of the Chief Commissioner or of such officer as the Chief Commissioner may appoint in this behalf. Any interest so acquired may be dealt with as the Chief Commissioner or the said officer may direct. The Chief Commissioner may, from time to time, by notification in the Assam Gazette, extend the prohibition contained in this section to any class of persons, natives of the said district, and may, from time to time in like manner, cancel or vary such extension.

5. Realisation of fines and imprisonment in default of payment.

- provisions of Sections 64 to 70, both inclusive of the Indian Penal Code shall apply to all fines imposed under the authority of this Regulation.

6. Jurisdiction.

- The jurisdiction in respect of offences against this Regulation shall be exercised by such officers, and subject to such conditions as the Chief Commissioner may, from time to time by notification in the Assam Gazette, direct. Section 2-Rules Having the Force of Law (A) Rules relating to the use of forest produce in zamindari lands in the Garo Hills District that are under the management of the State under Section 2 (a) and (b)

1. Zamindari forests in Garo Hills. - In such lands, all persons, not being natives of the Garo Hills District, are prohibited from cutting wood, hunting animals and collecting wax, ivory, India-rubber or other forest produce save under and subject to the provision of trade or Gurkati permit, Appendices A

and B to these rules, and granted by the Divisional Forest Officer or other person empowered by him in this behalf.

2. (a) Trade will be issued for the removal of such timber and other forest produce as may be specified therein.

(b) Trade permits may be issued for any period not exceeding twelve months from the date of issue, but the period of any permit may, at the discretion of the Divisional Forest Officer, be extended for a further maximum period of twelve months on payment by the permit-holder, of a fee as fixed by the Divisional Forest Officer, not exceeding 25 per cent, of the royalty payable on the produce to be removed under the permit. (c) Royalties shall be charged on the timber and other forest produce removed under a trade permit at the rates prescribed in Appendix C (Published separately) to these rules. Increase and decrease of any of the rates is vested in the Chief Conservator of Forests to a limit of 25 per cent, of decrease and 25 per cent, increase according to distance to distance and difficulties of extraction.

3. Gurkati permits will be issued for the year ending on the 30th June for the removal by land of thatching grass, bamboos, canes, reeds, leaves (pathi) and poles up to 1 foot 6 inches in girth of species other than reserved under the Assam Forest Regulation in such quantity as can be carried by the holder of the permit on his person. The fee for one Gurkati permit shall be as follows :

	Rs.	a.	p.
(i) For house-tax paying natives of the Garo Hills District	1	0	0
(ii) For other persons	5	0	0

4. Trade permits and Gurkati permits are not transferable except with the written permission of the Divisional Forest Officer.

(A) Gurkati permit must be in the possession of the persons cutting or removing the produce and must be produced on demand for inspection by any Forest Officer, Police Officer or any revenue official. (B) Rules relating to the use of forest produce of land at the disposal of Government not included in a reserve or village forest in the Garo Hills District. In these rules the expression "unclassified State forests" means any land at the disposal of the State not included in a reserve or village forest. In these rules the expression "House-tax-paying natives of the Garo Hills District" refers to members of the following tribes when assessed to house-tax-Garo, Koach, Man, Cachari, Hajong, Rabha, Khasi, Dalu and Mech.

5. No reserved or unreserved trees shall be felled, cut, girdled, marked, lopped, tapped or injured by fire or otherwise, no timber sawn, converted or removed, and no other forest produce collected or removed except under and subject to the conditions of a trade or Gurkati permit prescribed in these rules or under the orders of the State Administration or of the Conservator of Forests :

Provided that-(i)the cutting of jhums may be practised by house-tax paying natives of the Garo Hills subject to the control of the Deputy Commissioner ;(ii) (a)all house-tax-paying natives of the Garo Hills district resident or jhuming in that district may, without any permit, remove and utilise free of royalty such timber and other forest produce as they may require for their own use within the district, but not for sale, trade, mortgage or gift.This concession is extended to servants of the State serving in the Garo Hills;(b)all other residents of the Garo Hills district who pay land revenue and non-residents who hold temporarily settled land in the plains mauzas of the district may, without permit, remove and utilise free of royalty such unreserved timber and other forest produce as they may require for their own use within the district, but not for sale, trade, mortgage or gift.Note. - The concession in sub-Clauses (a) and (b) are limited except with the permission of the Divisional Forest Officer, to the quantity extracted at a time which a concessionaire can himself carry.(iii)House-tax-paying natives of the Garo Hills district may bring timber, including dug-outs from unclassified State forests down the undermentioned rivers for sale or trade purposes and Shall be exempted from taking out a permit but shall pay royalty on such produce at the scheduled rates at the time of sale, or within two calendar months of its arrival whichever is earlier at the revenue stations enumerated below :(a)Timber other than sam-

- | | |
|---|--|
| (1) Maheshkhala river and its tributaries
Maheshkhala. | |
| (2) Mahadeo | ditto ditto Mahadeo. |
| (3) Goneswari | ditto ditto Goneswari (Rangra). |
| (4) Somesawari | ditto ditto Bagmara. |
| (5) Nitai | ditto ditto Nitai Hat Khola (Ghosegaon). |
| (6) Bogai | ditto ditto Dalu. |
| (7) Tholong | ditto ditto Chandabui. |
| (8) Marshi | ditto ditto Sisangpara. |
| (9) Kalo | ditto ditto Garobadha. |
| (10) Jinjiram | ditto ditto Fulbari, Kasharipara Mankachar and Mahendraganj. |
| (11) Jinari | ditto ditto Nibari. |
| (12) Krishnai | ditto ditto Dekachang. |
| (13) Dudhnai | ditto ditto Damra. |

(b)Timber of sam from north Siju of only-(1)Someswari river excluding tributaries Bagmara.Royalty shall be realised at schedule rates on forest produce, namely, firewood, thatching grass, bamboos,

canes, reeds, leaves and poles of unreserved timber below 1 foot 6 inches in girth, brought down by the abovementioned rivers. No royalty shall be levied on skins (other than python and lizard skins), horns and monkeys or other small animals brought down to notified revenue stations for sale. Royalty at the rate of 5-1/4 per cent ad valorem shall be realized on all python and lizard skins exported exceeding six feet and one foot six inches respectively in length. No python and lizard skins of smaller dimensions shall be exported.

6. There shall be two classes of permits, viz.,-

(i) Trade permits. (ii) Gurkati permits. (i)(a) Trade permits will be issued by the Deputy Commissioner, Divisional Forest Officer or any other officer empowered in this behalf in the form prescribed in Appendix A to these rules, for felling cutting, conversion and removal of all reserved timber and for unreserved timber over 1 foot 6 inches in girth measured at 4 feet from the ground and for all other forest produce when not actually carried on the person under a Gurkati permit if cut, collected or removed for purposes of trade. (b) Trade permits are not transferable except with the written order of the Deputy Commissioner or the Divisional Forest Officer. They may be issued for any period not exceeding twelve months from the date of issue. Such period may be extended for a further maximum period of twelve months at the discretion of the Divisional Forest Officer on payment by the permit holder of a fee not exceeding 25 per cent, of the royalty payable on the forest produce removed under the permit. The Divisional Forest Officer may however remit the fee altogether in cases in which he considers this justified. (c) Royalty shall be payable on the forest produce removed under a trade permit at the rates prescribed in the schedule published separately. Increase and decrease of any of the rates is vested in the Senior Conservator of Forest to a limit of 25 per cent of decrease and 25 per cent increase according to distance and difficulties of extraction. (ii)(a) Gurkati permits will be issued by the Deputy Commissioner, Divisional Forest Officer or any other officer or person duly empowered in this behalf in the form prescribed in Appendix B to these rules for the collection and removal by land of firewood, thatching grass, bamboos and canes, reed, leaves and poles unreserved species up to 1 foot 6 inches in girth in such quantities as can be carried by a permit holder on his person. (b) Gurkati permits are not transferable except with the written order of the Deputy Commissioner or the Divisional Forest Officer, and they must be in the possession of their holders when cutting or removing any forest produce and must be produced for inspection by any Forest, Police or Revenue Officer. They will be issued for the year ending on the 30th June. (c) A Gurkati permit will be issued to one person only at the following rates :

	Rs.
For house tax paying natives of the Garo Hills district removing forest produce for sale..	1
For other persons..	5

7. No lease for any fixed period giving the right of collecting or removing rubber, cane, kath or kutch, lac, agar or other forest produce from the unclassified State forests shall be given without the previous sanction of the Conservator of Forests.

8. All fees and royalties payable on account of any forest produce collected or removed under these rules shall be paid previous to the issue of the trade or Gurkati permit ; but it is left to the discretion of the Conservator of Forests to decide whether such payment shall be recovered in full or in part when a trade permit is issued. In no case will forest produce be permitted to be removed from a forest or in the case of produce taken to an authorised sale depot, from the sale depot, until payment has been recovered from the permit holder.

9. All timber and other forest produce in respect of which there is reason to believe that any money is payable to Government under these rules, when in transit in any part of the district, may be stopped and examined by any forest or police officer and all persons in charge of such timber or other forest produce shall be bound to produce any permit or certificate or pass which may have been granted to them for its removal when called upon to do so by such forest or police officer.

10. Any person infringing any of the above rules shall be liable to be punished with imprisonment for a term which extend to six months, or with fine which extend to five hundred rupees, or with both.

Section 3. - Executive Orders Relating to the Garo Hills

1. Rewards to finders of elephant tusks. - The Deputy Commissioner of Garo Hills has full discretion in the matter of granting rewards to the finders of elephant's tusks.

2. Gurkati. - Commission at a rate not exceeding 10 per cent, on collections on account of gurkan is payable to the tuskars and sirdars of the Garo Hills and to forest subordinates below the rank of forest rangers and other servants of the State and other persons approved jointly by the Deputy Commissioner and the Divisional Forest Officer when they are entrusted with the work of selling such passes.

3. The followings rules are prescribed for the sale of gurkan permits in the Garo Hills division :

(i) Range and Beat Officers will report on the condition of each new permit seller proposed giving full

details about his holdings, cattle, connections, occupations etc., in order that the Divisional Forest Officer may judge of his suitability for the work.(ii)Permit sellers except tuskars must bring or send their books monthly to the range or beat office during the week the officer in charge is preparing his cash accounts and must at the same time remit all money due to Government and the following penalties may be imposed for failure to do so-(a)Reduction of commission from 10 per cent. 5 percent in the case of failure to produce the books and pay the revenue in full 1 during the first month ;(b)Confiscation of commission due for failure to produce the books and apply the revenue in full for two months running ;(c)Confiscation of the books for such failure for three months ;(iii)Permit sellers who are Laskars must bring or send their books to the range or beat office and deposit their collections every quarter, failing which they shall forfeit the commission due to them for the quarter ;(iv)Range and Beat Officers shall report all such failures and will be responsible for the revenue due if they do not so report;(v)Range and Beat Officers will submit monthly along with their accounts a statement of permits sold, amounts realised and amount due, against each permit seller.

4. The Garos and other aboriginal tribes residing in the hills are allowed to take free of charge from forest reserves bamboos firewood, thatching grass and unreserved trees that may be required by them for their own use within the district but not for sale, trade, mortgage or gift.

Chapter 2

The Khasi and Jaintia Hills

Section 1. - Rules relating to the use of forest produce on land at the disposal of the State in the Jaintia Hills and the British villages of the Khasi Hills and not included in a reserved or village forest(a)[Under Sections 33, 34 (2)(a), (c), (e),(g), and (h), 34(3), 35(2) and 40 (f)]

1. Definition. - In these rules the expression "unclassed State forests" means any land at the disposal of the State in the Jaintia Hills and the British villages in the Khasi Hills and not included in a reserved or village forest.

The areas listed in Appendix A and such other areas in the unclassed State forests as may be declared by the Provincial Government from time to time shall be exempted from the operations of these rules.

2. No reserved or unreserved trees shall be felled, cut, girdled, marked , lopped, tapped or injured by fire or otherwise, no timber sawn, converted, or removed and no other forest produce collected and removed, except under and subject to the conditions of a trade permit as prescribed in these rules, and granted by the Deputy Commissioner or any other officer authorised by him in this behalf or under a written order of Provincial Government:

Provided that-(a)the cutting of jhums by Syntengs and Khasis may be practised subject to the control of the Deputy Commissioner ;(b)natives of the Khasi and Jaintia Hills district shall be allowed to remove and utilise free of royalty such timber and other forest produce, except orchides as they require within the district but shall not be permitted to export timber or other forest produce beyond the district except under a trade permit;(c)[Deleted.](d)servants of the State other than natives of the district of Khasi and Jaintia Hills, serving in the district outside Shillong, are exempted from payment to royalty on firewood obtained by them from the neighbouring unclassified State forests for their own consumption.

3. Trade permits will be issued in the form prescribed in Appendix B to these rules for the removal of all reserved trees and of unreserved trees over 1 foot 6 inches in girth measured at 4 feet from the ground and all other forest produce. Trade permits are not transferable.

4. Trade permits will be issued ordinarily for any period not exceeding twelve months, but the period of any such permit may be extended up to a further maximum of twelve months at the discretion of the Deputy Commissioner and on payment of a fee which shall not exceed 25 per cent of the amount of royalty payable under the permit. The Deputy Commissioner may however remit the fee altogether in cases in the which he considers this justified.

The power given above to the Deputy Commissioner with regard to granting of extension of time on time-expired permits may be exercised by the Sub-divisional Officer, Jowai, subject to the conditions that the sanction given by the Sub-divisional Officer is confined to cases in which the royalty payable at the time when extension is asked for does not exceed Rs. 100 and that this power of granting extension is limited to the period of four months.

5. Royalties shall be charged on forest produce removed from the unclassified State forests under a trade permit at the rates prescribed in the schedule published separately.

Increase and decrease of any of the rates is vested in the Senior Conservator of Forests up to a limit of 25 per cent, of decrease and 25 per cent increase according to distance and difficulties of extraction.

6. The royalty due shall be paid at the time of marking the produce previous to its removal or, where this is permitted, at the first revenue station reached by the forest produce.

7. No timber or other forest produce removed under a trade permit shall be landed, converted, utilised or exported unless covered by a pass to be issued on receipt of royalty in the form prescribed in Appendix D to this rule.

8. All timer or other forest produce when in transit may be stopped and examined by any Forest Officer, Sirdar, Dodoi, or Police officer and all persons in charge of such timber or other forest produce shall be bound to produce any permit or pass which may have been granted to them for its removal when called upon to do so by such Forest Officer, Sirdar, Dodoi or Police Officer.

9. In the unclassified State forests leases for any fixed period giving the right of collecting or removing rubber, cane, kuth or cutch, lac, agar, or other forest produce may be given by the Deputy Commissioner who should consult the Conservator of Forests as to the terms of the lease.

10. Grazing of cattle in unclassified State forests by natives of the Khasi and jaintia Hills district is permitted free Professional graziers may be permitted to graze their cattle in areas selected by the Deputy Commissioner under the conditions and on payment of rates prescribed by him.

11. Any person infringing any of the above rules shall be to be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both.

(b)[Under Sections 40 and 41]

12. Limestone from the Khasi and Jaintia Hills district exported into the district of Sylhet must be covered by a printed pass in the form of-

(a)a certificate of origin, Appendix A, issued by the Khasi owners in respect of limestone from their quarries and by the headman of Sohbar and Mostoh villages in respect of limestone from Sohbar and Mostoh quarries; or(b)a challan, Appendix B, in respect of limestone from British-owned quarries ;(c)a certificate of registration, Appendix C.

13. All limestone exported from the Khasi and Jaintia Hills district shall be taken by the most direct route to the nearest revenue station notified under the Assam Forest Regulation within the Sylhet Division for payment of royalty and such limestone shall not be removed from the revenue station

until royalties at the following rates are paid :

(i)from British-owned quarries-Rs. 20 per 1,000 maunds ;(ii)from Khasi-owned quarries-Rs.'10 per 1,000 maunds.Limestone from Mostoh quarry covered by a certificate of origin signed by the headman of the Mostoh village is exempted from payment of any royalty; Provided that in the case of limestone belonging to exporters who have established depot below a revenue station and who supply the duplicates of challans covering their limestone to the revenue station officer concerned the royalty may, at the discretion of the Divisional Forest Officer, be realised b y the revenue station officer on bills submitted for the total quantity of limestone carried past the revenue station during a month.

14. All limestone landed at depots established by the exporters and reloaded for transport to markets, shall be covered by a challan, Appendix B which challan shall be endorsed by the officer-in-charge of the nearest revenue station and a copy thereof supplied to him.

15. Every boat or other conveyance carrying limestone shall be measured, marked and registered by a Forest Officer authorised in that behalf, who shall grant a certificate of registration in the form prescribed in Appendix C to the person in-charge thereof stating the carrying capacity of the boat or conveyance.,

A fee of annas four per 100 maunds or part thereof shall be charged with effect from 1st November, 1942 for all boats registered by the Forest Officer and the certificate of registration shall be valid for a period not exceeding one year ending on the 31st October.

16. The standard weight for limestone for the purpose of measuring boats and realisation of royalty shall be a maund of 112 lb.

17. The carrying capacity of boat shall be ascertained by loading the boat fully arid shall be recorded in the register of certificates. The certificate shall be filled up in duplicate, one copy shall remain as a counterfoil in the book and the duplicate copy shall be given to the owner of the boat or conveyance. The registered of the boat shall be painted or branded thereon. The measurement of a boat may be checked by any Forest Officer at any time to see that it corresponds with the register number.

18. The person in charge of the boat may be called upon to produce any of the above certificates or challan by any Forest Officer. Any person not producing such documents when called upon or infringing any of the above rules may be punished with a fine not exceeding Rs. 500.

Section 2. Executive Orders Relating to The Khasi and Jaintia Hills

1. Relationship between the Deputy Commissioner in charge of forest and the Conservator. - The Deputy Commissioner, Khasi and Jaintia Hills, is subject to the control of the Commissioner of Divisions directly responsible to the Provincial Government for the working of the forest within his district. The position occupied by the Conservator in regard to abovenamed forests is that of an adviser to the Provincial Government and to the Deputy Commissioner. The Deputy Commissioner should consult the Conservator on all technical forest matters and is expected to follow the advice of the latter officer in such matters as far as is possible. Should he reject the advice of the Conservator he must justify such rejection on political or other grounds. In the event of the Conservator disagreeing with any action taken by the Deputy Commissioner in regard to forest matters he is empowered to refer the question through the Commissioner of Division for the decision of the Governor.

Note. - The above does not affect the Conservator's power under Chapter I, Part II of the Manual to prescribe conditions and fix royalties and fees for felling timber and other action within reserved forest.

2. Conservator's inspection, etc. - The Conservator and a responsible Imperial Forest Officer deputed by him are authorised to inspect the forest whenever possible, forwarding a note embodying the result of his inspection to him for transmission to the Governor and for communication to the Deputy Commissioner. The Conservator is also authorised to inspect the work of the Gazetted Officers attached to the Khasi Hills Forest Division for the purpose of carrying out marking under the working plan and to instruct them in their work. He is also at liberty to test the competency of the subordinate forest officers in such a manner as he may deem to be necessary or to depute an Imperial Forest Officer to do so. The Deputy Commissioner should not, except in cases of emergency, employ any of his Forest subordinates on markings for felling or thinnings or on cultural work

without first consulting the Conservator of Forests and receiving the latter's assurance that the subordinate is competent to be entrusted with such work.

3. At the request of the Deputy Commissioner, Khasi and Jaintia Hills, his forest office may be occasionally inspected by the Conservator of Forests.

4. Mahals in the Khasi Hills. - Elephants in the Khasi Hills are treated in the same way as the produce of quarries and waste lands i.e., the State is entitled to half the proceeds, and reserves to itself the rights to close the mahals when considerations of conservancy render such a course advisable. If a Siem wishes to hunt in any mahal on his own account, he should, as a rule, take out a licence in the usual manner.

5. The pound-keeper of Shillong may be given a commission at the rate of 5 per cent on the amount of compound fees collected by him on behalf of the forest department in respect Of the cattle impounded for illicit grazing in the Government forests.

Rules for the removal of Orchids from the Jaintia Hills and such portion of the Khasi Hills as constitute British territory and for their sale at Shillong

6.

(1)The term "Collector" is intended to refer to agents of florists' firms for Europe and elsewhere who regularly trade in orchids.(2)Removal of orchids. - A licence to a "Collector" for the removal of orchids from the Jaintia Hills and such portions of Khasi Hills as constitute British territory will not be granted except with the special permission of the Provincial Government.(3)Sale of orchid plants from either British or Siem's territories is prohibited in the station of Shillong except under a licence from the Deputy Commissioner, Khasi and Jaintia Hills, which will be granted on payment of the fees noted below :

Vanda Caerulea

Cymbidifolium Eberneum

Gypripedium Hirsutissimum

Phajus Wallichii Blumeri

Dendrobium Litui-florum

“ (ne Freemanii) Re. 1 per plant

“ Crystallinum

“ Formosum

“ Infundibulum

“	Devonianum
“	Falconery
“	Wardianum
All other kinds.	0.50 nP.

(4)The exportation of the orchid *Cypripedium insigne* is prohibited.(5)Licences are not transferable and are invalid after the expiry of the term specified therein.(6)The flowers of orchids can be sold without licence.(7)Any person found removing or trading in orchids in contravention of these rules will be prosecuted.

Chapter 3

Executive Rules Relating to The Lushai Hills

Rules for the management of the forests in the Lushai Hills/Mizo District. In the following rules in Lushai Hills : (1)"Tree" includes palms, bamboos, stums, brushwood and canes.(2)"Timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned, or hollowed out for any purpose or not.(3)"Forest produce" includes-(a)the following whether found in or brought from a forest or not, that is to say, timber, charcoal, catchou, catechu wood-oil, resin natural varnish, bark, lac, and myrabolams; and(b)the following when found in or brought from, a forest, that is to say-(i)trees and leaves, and fruits and all other parts, or produce not hereinbefore mentioned, of trees ;(ii)plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants ;(iii)wild animals and skins, tusks, horns, bones, silk, cocoons, honey, and wax, and all other parts or produce of animals; and(iv)peat, surface soil, rock and minerals (including limestone, laterite mineral oils and all products of mines or quarries).

1. The administration of forests in the Lushai Hills is invested in the Superintendent, Lushai Hills subject to the general supervision of the Conservator of Forests, Assam, who may report to the Provincial Government on any question affecting the management of the forests.

2. Lushai Hills. - The list of reserved trees described above applies to the Lushai Hills.

3. The cutting, sawing, conversion, and removal of trees and timber and the collection, manufacture and removal of forest produce for purposes of export from the Lushai Hills are prohibited, except under a trade permit granted by the Superintendent, Lushai Hills, or any other Officer empowered in this behalf or under a written order of the State Government. In the case of export to Bengal instead of a trade permit an entry pass' will be issued free of charge by an authorised officer of the Bengal Forest Department.

4. Trade permits shall be granted for timber, reserved or unreserved, or other forest produce, cut collected or removed for purposes of trade.

The Divisional Forest Officers of Cachar and Sylhet and anyone authorised by them shall be empowered to issue trade permits for the removal of forest produce from the Lushai Hills to the Cachar and Sylhet districts, respectively, to persons approved of by them and the Superintendent, Lushai Hills.

5. The royalties to be charged on all forest produce, removed from the Lushai Hills forests to the Sylhet and Cachar district under a trade permit are published separately. Increase and decrease of any of the rates is vested in the Senior Conservator of Forests to a limit of 25 per cent of decrease and 25 per cent, increase according to distances and difficulties of extraction.

6. Royalties at the rates prescribed separately shall be charged for forest produce removed from the Lushai Hills forest into Bengal. Increase and decrease of any of the rates is vested in the Senior Conservator of Forests to a limit of 25 per cent, of decrease and 25 per cent, increase according to distances and difficulties of extraction.

7. No reserved trees under 6 feet in girth except Nageswar (*Messua ferrea*) the girth limit of which is 5 feet, shall be felled.

8. All fees and royalties payable on account of any forest produce collected or removed under these rules shall be paid at the time of marking previous to removal, or at the first forest revenue station reached by the forest produce.

9. No forest produce shall be removed in transit pass from any revenue station, unless provided with a pass in the form given in-Appendix C. Such pass may be obtained from the officer-in-charge of the first revenue station reached by such forest produce.

10. The closing or obstruction of any river used for the transit of timber or forest produce, or the stoppage of navigation on the same is prohibited. The Superintendent, Lushai Hills, may order any person who has by his act or negligence caused such closure, obstruction or stoppage to remove the same within a time specified or may cause such obstruction to be cleared, and recover the cost of such clearance from the person by whose act or negligence it was caused.

11. All persons trading in or conveying timber shall annually register their property marks at the revenue station, and shall pay a fee of Re. 1 for a certificate of registration for the first time, and eight annas for each registration thereafter.

12. India-rubber-yielding trees growing in the Lushai Hills may be tapped only during the months of December, January, February and March. The roots of the trees and the lowest part of the stem within three feet from the surface of the ground may be not be tapped, and India-rubber trees may be felled, burnt or lopped. The incisions must not be less than two feet apart, and must not exceed one foot in length and four inches in breadth.

13. No person shall extract, collect or remove India-rubber, being the produce of trees growing in the Lushai Hills, save under, and subject to the Government, or by the Superintendent, Lushai Hills, or any other officer empowered in this behalf. Such licence shall be in the form contained in Appendix (omitted) to these rules, and the amount of the fee for the same, which may from time to time be prescribed by the State Government, shall be printed on each licence.

14. No person shall purchase any India-rubber, being the produce of trees on any such land, save under, and subject to the conditions of an India-rubber-purchasing licence granted by the State Government or by the Superintendent, Lushai Hills, or any other officer empowered in this behalf. Such licence shall be in the form contained in Appendix (omitted) to these rules, and the amount of the fee for the same, which may, from time to time, be prescribed by the State Government, shall be printed on each licence.

15. No person shall remove wax or rhinoceros's horns for purposes of trade from forests in the Lushai Hills save under, and subject to the conditions of purchasing licences granted by the Superintendent, Lushai Hills, or any other officer empowered in this behalf. Such licences shall be in the form contained in Appendix D to these rules, and the amount of the fee for the same, may from time to time be prescribed by the Local Government, shall be printed on each licence.

16. All breaches of the above rules shall be punishable under Section 188 of the Indian Penal Code.

17. The Aijal Reserve, whose boundaries are on record in the office of the Superintendent, Lushai Hills, is constituted by executive orders to preserve the amenities and conserve the water-supply of Aijal and its neighbourhood. Subject to these ends being kept in view, the control of timber and other forest produce rests entirely with the Superintendent, Lushai Hills, subject to the general control in questions of policy, of the Conservator of Forests.

18. In areas outside the Aijal Reserve all residents of the Lushai Hills District who pay house-tax or land revenue may, without any permit, remove and utilise free of royalty such timber and other forest produce as they may require for their own use within the district; but not for sale, trade, mortgage or gift or for use outside the district; provided that the quantity extracted at a time shall be limited except with the permission of the Superintendent in charge of forests to what each resident can himself carry. Timber and other forest produce extracted of this quantity will be liable to payment of royalty at the discretion of the Superintendent in charge of forests.

19. The servants of the State are exempted from payment of royalty on firewood obtained by them from the neighbouring unclassified State forests for their own consumption.

20. In the Lushai Hills the jurisdiction of Deputy Rangers and Forests not in charge of ranges and of forest guards is limited to a radius of five miles from their headquarters.

Chapter 4

The Naga Hills Jhum Land Regulation, 1846 (Regulation 3 of 1846)

Preamble. - Whereas it is expedient to frame a Regulation in order to safeguard and regulate the rights of Nagas to jhum land in Naga Hills district; Now, therefore, the Governor of Assam, in exercise of the powers conferred by sub-section (2) of Section 9 of the Government of India Act, 1935, is pleased to make the following Regulation :

1. Title and application. - (1) This Regulation shall be called the Naga Hills jhum Land Regulation, 1846.

(2)It extends to the whole of the Naga Hills District.(3)It shall come into force at once.(4)Its provisions shall apply in supersession of all existing enactments and rules so far as the latter are inconsistent with , contrary to or repugnant to the provisions of this Regulation.

2. Definitions. - In this Regulation-

(a)"Land Conservator" means and includes the Deputy Commissioner of the Naga Hills, any officer exercising the powers of a District Magistrate within the Naga Hills, any Sub-divisional Officer within the limits of his sub-division or any officer especially invested by the Governor of Assam with the powers of a Land Conservator under this Regulation.(b)"Jhum land" means and includes all land which any member or members of a village or a community have a customary right to cultivate by means of shifting cultivation or to utilise by clearing jungle or grazing live stock ; provided that such village or community is in a permanent location ; but does not include-(i)any land which has been or may be terraced for the purpose of permanent or semi-permanent cultivation whether by means of irrigation or not, or(ii)any land attached or appurtenant to a dwelling- house and used for the purpose of permanent cultivation, or(iii)any land which, in the opinion of the Deputy Commissioner, is subject to permanent cultivation.Explanation. - (1) Any land which is otherwise jhum land according to above definition shall be deemed to be so notwithstanding the fact that part or whole thereof may have been planted with fruit trees, bamboos or tung or reserved for growing firewood ;(2)A village or community shall be held to be in a permanent location if it always remains within a specified area, although part or the whole of such village or community may migrate from time to time to different localities within that area ;(c)"Community" includes the residents of a village as a whole, the Clan, sub-Clan, phratry or kindred.

3. Distribution of work among Land Conservators. - Where more than one Land Conservators exercise authority within the same area, the Deputy Commissioner may, subject to any order issued by the Governor of Assam, make such arrangements as he thinks fit for the distribution of work among such Land Conservators.

4. Accrual of customary rights. - (1) A customary right to jhum land shall be deemed to be established in favour of a village, or a community when such village or community has enjoyed the right to cultivate or utilise such jhum land for not less than 30 years.

(2)A customary right to jhum land shall be deemed to be established in favour of an individual cultivator :(a)if he has inherited the land in accordance with a local custom ; or(b)if he has purchased the land prior to the making of this Regulation and such purchase was not contrary to local custom ; or(c)if he has purchased the land at any date subsequent to the making of this

Regulation; provided such purchase was not contrary to any local custom or any the provisions of this Regulation ;(d)if, being a resident of a permanent village, he has brought the land under cultivation, and the land has not been cultivated at any time within 30 years preceding his bringing the same into Cultivation-Provided that such land is within cultivable reach of his own village.

5. Transfers. - (1) Jhum land to which a community has a customary right may not be transferred to another community or to any individual except with the permission of the Land Conservator.

(2)Jhum land to which an individual belonging to a village or community has a customary right may be transferred to another member of the same village or community or to that village or community as a whole. It shall not be transferred to another village or community or to a member of another village or community except with the previous permission of the Land Conservator.(3)Nothing in this section shall affect a transfer which is valid under any other provision of this Regulation.

6. Leases. - (1) No 'Jhum' land shall be leased by anyone having a customary right thereto unless-

(a)the Land Conservator has approved of such lease on the ground that such lease benefits the village or the community, or(b)the lessor is by reason of age or other infirmity, unable to cultivate or utilise it, and the lessee is a member of the same village or community as the lessor.(2)A lease under Clause (b) above shall be determined on the death of the lessor or on the termination of his infirmity ; provided that the lessee shall be entitled to tend and reap any crop standing on the leased land on the date of the termination of the lease.

7. Improper transfer and leases. - 'Jhum' land which is transferred or leased otherwise than in accordance with the provisions of this Regulation shall be deemed to have been forfeited and, subject to any customary right of inheritance, may be transferred by the Land Conservator to any member or members of the village or community to which the transferor or lessor belongs or belonged.

8. Terraced cultivation. - Any member of the village or community to which the person or persons having a customary right to any 'jhum' land belong may establish terraced cultivation within such jhum land with the permission of such person or persons or with the permission of the land conservator who may in granting such permission attach such conditions as he thinks fit.

9. Forest produce. - Subject to any orders that may be made under this regulation, persons having customary rights to any 'jhum' land shall be entitled to forest produce from such land for their own use or the use of members of their own village or community, but shall not, without the permission of the land conservator, be entitled to sell or transfer otherwise such produce to, any other person.

10. Taxation. - (1) All customary rights in 'jhum' land as are now in existence shall subsist subject to the provisions of this regulation and any other law or regulation which may hereafter be enacted by competent authority.

(2) Such rights shall also be subject to the payment by the person entitled thereto of such rents, taxes or any other dues as may be lawfully imposed from time to time by competent authority. (3) Where any such rents taxes or other dues have not been paid by any person, the Deputy Commissioner, Additional Deputy Commissioner or Sub-divisional Officer may suspend the rights of that person to all 'jhum' land and, if the default has subsisted for more than a year, may declare such right of that person to have been extinguished and may thereupon make such arrangements for the transfer of the right as he thinks fit.

11. Acquisition for public purpose. - The Government may acquire any jhum land required for a public purpose and no formal acquisition proceedings shall be necessary but an opportunity shall be given to those having rights in the land to show cause against such acquisition and reasonable compensation shall be paid for all land acquired under this section.

Land so acquired shall, if relinquished by the Government at any time, be returned to the village community or individual from whom it was acquired on refund, if any, of such compensation to the Government as the latter may decide.

12. Ejectment. - The land conservator may at any time summarily eject without notice any person who has squatted without authority on any jhum land.

13. Prevention of erosion. - (1) The land conservator may at any time make such general or special order for the reafforestation of jhum land as he thinks fit, as also for ensuring that strips of reasonable width within any jhum land may not be cultivated.

(2) Where it appears that undue erosion or diminution of the supply of water required or likely to be required for irrigation is resulting or is likely to result from the excessive cutting of trees any jhum

land the land conservator may direct that a part or the whole of such jhum land shall be a protected forest, and no person shall thereafter cut any trees from such protected forest without the permission of the land conservator.(3)Where it appears that undue erosion or diminution of the supply of water required or likely to be required for irrigation is resulting or is likely to result from cultivation of any jhum land, the land conservator may direct that the jhum land shall not be cultivated by any person for a period not exceeding ten years.(4)No order shall be made under sub-section (2) or sub-section (3), unless a reasonable opportunity has been given to those having customary rights to the land to prefer objections against such order and unless all objections so preferred have been considered and rejected as unreasonable or tenable.(5)For the purpose of protecting a road or bridle path, the land conservator may direct that any land lying within 50 yards of the road or birdie path shall not be cultivated and may further direct that trees upon such land shall not be felled or cut.(6)The land conservator may direct that for the purpose of preserving water supply, any particular area under jungle and previously unjhumed shall remain uncultivated; provided that the existing rights of the community or the individual to collect forest produce shall not be interfered with.

14. Prevention of fire. - The land conservator may make such general or special orders as he thinks fit to prevent risk of damage by fire to jhum land.

15. Erection of houses. - The land conservator may by order prohibit the establishment of any new village or erection of any new residential houses on any jhum land :

Provided that no order shall be made under this section which would prevent persons having customary rights to the land from securing reasonable adequate accommodation for themselves and their families.

16. Powers of Tribal Council. - Where a tribal council approved by the Governor in this behalf has been set up in any area, any or all of the powers granted to the land conservator under the provisions of this regulation may be vested at the discretion of the Governor in that tribal council in respect of such area and the land conservator shall not exercise any powers so vested.

17. Penalty for disobedience or violation of order or direction. - Any person who intentionally disobeys or violates any order or direction passed by competent authority under any of the provisions of this regulation, shall, on conviction for such offence, be punished with imprisonment of either description for one month, or with a fine not exceeding five hundred rupees, or with both.

18. Appeal and revision. - (a) Any person convicted for an offence under the last preceding section and sentenced to suffer any imprisonment or to pay a fine exceeding fifty rupees may appeal to the to Governor whose decision shall be final.

(b)The Governor may call for and examine the record of any proceeding or trial under the provisions of this regulation and may set aside, modify or alter any order of sentence passed by any subordinate authority.[Appendices not printed]