

# Rules for the Establishment and Control of Forest Villages, 1969

NAGALAND

India

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### Rule

### **RULES-FOR-THE-ESTABLISHMENT-AND-CONTROL-OF-FOREST-VILLAGES** of 1969

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Rules for the Establishment and Control of Forest Villages, 1969Published vide Notification No. For-5 (Misc.) 43/67(3), dated the 1st March, 1969Last Updated 18th February, 2020Notification No. For-V (Misc.) 43/67(3), dated the 1st March, 1969. - In exercise of the powers conferred by Sections 72,74 and 75 of the Nagaland Forest Act, 1968 (Act 3 of 1968), the Governor of Nagaland is pleased to make the following rules to regularise the establishment and control of the forest villages in the Government reserved forest within the State of Nagaland.These rules shall come into force with immediate effect. These rules shall apply to all areas to which the Nagaland Forest Act, 1968 applies.

#### 1.

Forest villages may be established within the limits of any reserved forest on sites, the location of which shall be approved by the Chief Conservator of Forests in writing.

#### 2.

Forest villages are designed for the purpose of providing a source of the suitable local labour and for forming and maintaining plantations and taungyas and no tribes which are not habituated to living and working in the forest are eligible for admission. Divisional Forest Officers may admit new entrants to existing forest villages in accordance with the executive orders of the Chief Conservator of Forests.

**3.**

The boundaries of all permanent forest villages will be demarcated by boundary pillars and shown in maps together with all interior details such as fields, homesteads, etc. and a register shall be maintained of the houses in each forest village.

**4.**

The Divisional Forest Officer is authorised to evict summarily from a forest village without payment of compensation anyone who does not comply with the rules or whose refusal to carry out his orders so far as they are consistent with the rules or who conduct impairs the harmonious working of the village. An appeal, however, shall lie to the Deputy Commissioner of the district, but in the event of the latter disagreeing with the Divisional Forest Officer, the case must be referred to the Chief Conservator of Forests whose decision shall be final.

**5.**

An allotment up to one acre of land to include homestead or bari will first be made for each resident household to which will be added two acres of land on account of each working member residing in the household, but no household occupy more than seven acres of land. Thus a household containing three workers or more including the householder would be entitled to up to seven acres of land. The land given out to a household will not be reduced in extent during the householder's occupancy, if the members of his household become subsequently reduced in number. Note. - This rule shall not have retrospective effect in the case of these householders to whom more than seven acres of land have already been allotted but may be given effect to on the decrease of the present occupier.

**6.**

On the decrease of a householder, the name of his male heir will be registered as a forest villager if he is considered by the Divisional Forest Officer to be suitable in all respects, or in cases where a daughter is the heiress the name of her husband should be recorded as the householder if he is suitable for employment as a forest villager. The names of heirs who are minors will be recorded as forest villagers when they become fit for work or, in the case of females, when they marry husbands suitable for employment as forest villagers, but nothing in this rule shall be held to recognise any heritable right in and allotted to a forest villager.

**7.**

The sub-letting of land by a forest villager is not permissible in any circumstances, but with the permission of the Divisional Forest Officer, servants may be engaged to assist in agricultural operations and their names shall be recorded as temporary forest villagers.

## 8.

Land revenue shall be levied for the land (excluding homestead or bari) given to a forest villager at such rates as have been approved by the Government.

## 9.

Each adult forest villager shall, if called upon, render 10 days' labour per annum at the rate of wages locally current.

## 10.

In addition to cultivating land at concessional rates of revenue for which an annual patta will be issued by the Divisional Forest Officer, each householder in a forest village will be allowed free grazing for all necessary plough cattle and ten heads of other cattle, but this term shall not include buffaloes in cases where on account of proximity to plantations or other considerations they are likely to cause damage. Cattle belonging to outsider shall not be allowed to be kept by a forest villager. Note: - The number of necessary plough cattle is fixed as follows :

| Land under cultivation          | Number of plough cattle allowed free |
|---------------------------------|--------------------------------------|
| Up to 4 acres                   | 1 pair                               |
| Above 4 acres and up to 6 acres | 2 pairs                              |

For any excess number of cattle owned a forest villager for which free grazing is not allowed, grazing fees will be realised at rates not less than those levied in the unclassified State forests. As in Rule 5 this will not have retrospective effect.

## 11.

Adult male forest villagers shall pay for all forest produce taken by them at ordinary rates in force in the reserved forest concerned, but may be allowed to remove free of royalty sufficient such building materials to erect and maintain their houses as the Divisional Forest Officer considered necessary and 10 cart-loads of fuel annually, if they erect to render 5 days' labour in lieu of paying royalty. In cases where in his opinion it is justifiable the Divisional Forest Officer may allow not more than one servant per household to remove forest produce to the above amount free of royalty without the obligation to render 3 days' labour, by the servant concerned. The general principle is that forest villagers who render free labour should be employed as far as possible in the vicinity of their villages. If the labour is given under the preceding paragraph of his rule in return for free produce and work cannot be found within a distance of five miles from the village concerned, it will be paid for at the current rate of wages with a maximum of Rs. 3 per diem. Labour should not be called upon during the cultivation or reaping season save in emergency which should be reported to the Chief Conservator of Forests. Note. - A man giving labour between 3-10 miles from his village and doing 6 continuous days' work will be given half day's free labour over 10 miles from his village and doing six continuous days' work will be allowed one day's free labour for travelling there and back. The

days being counted to the work.

## **12.**

Jhumias may be admitted into the reserves on condition that they sow with their crops the seed of such forest trees in such manner as the Divisional Forest Officer may direct; building material and ten cart-loads of fuel annually will be given to them free of charge but they will be liable to render 20 days' labour, if called upon, at the local rate of wages. Note. - The jhumias admitted into the reserved forests under Rule 12, will execute an agreement in the form approved by Government.

## **13.**

The Forest Department and its contractors shall have the first claim on the labour of forest villagers, who shall not accept employment from any other department, company or individual without the previous sanction of the Divisional Forest Officer.

## **14.**

The Forest Department may resume occupation of land allotted to a forest villager by giving six months' notice to the occupier.

## **15.**

Separate work registers in addition to the ordinary muster rolls will be maintained for each village showing amount and the nature of the work done by each villager. The village register, the work registers and the muster rolls will be inspected by the Divisional Forest Officer at the time of range and beat office inspection and he will be responsible that the labour is being properly utilised.

## **16.**

Payments for work done should be made by responsible officer at intervals which should not exceed a week except in special circumstances with the permission of the Divisional Forest Officer.

## **17.**

For each forest village the Divisional Forest Officer, may, with the sanction of the Chief Conservator of Forests, appoint a gaonburah or headman and, if necessary, watchman, and their suspension, punishment and dismissal shall be vested in the Divisional Forest Officer. The duties of such headmen or watchman will be prescribed in each case by the Chief Conservator of Forests who may exempt any of them from paying land revenue for any area up to 7 acres land and from rendering any labour required by Rules 9 and 11.

**18.**

The Divisional Forest Officer, with the previous sanction of the Chief Conservator of Forests, may make such reasonable advances of cash or grain to any householder of a forest village, as may be necessary to enable him to prepare or sow his land or purchase plough or bullocks ; all such advances will be recoverable with the interest at 6-¼% per annum.

**19.**

The Divisional Forest Officer, may, with the written permission of the Chief Conservator of Forests, excuse forest villagers who have become old or infirm, poor widows, minors incapable of work, or persons who are for the time being wholtime employees of the Forest Department, such as elephant attendants, from rendering labour in exchange for forest produce removed for house consumption, and will forward a list of such exempted persons annually to the Chief Conservator of Forests.

**20.**

On a request supported by 50 per cent of more of the villagers the Divisional Forest Officer may, with the approval of the Chief Conservator of Forest Officer may, with the approval of the Chief Conservator of Forest, admit persons whose services are needed for the welfare of the forest villagers e.g., a Pastor or Priest, a school master, a shopkeeper or barber, etc., as residents of a forest village on the following terms : (1) An Allotment up to one acre of land may be given to such a resident for homestead or bari but no rupit land will be allowed to him. No concession shall be allowed in respect of land revenue for the land occupied by him but the Divisional Forest Officer shall consult the Deputy Commissioner in each case to what would be an appropriate rate to charge, bearing in mind not only the character of the land occupied but the use to which it is put. (2) The villagers and the Forest Department shall always have first claim on his services and he shall not work for persons outside the village without the permission of the Divisional Forest Officer. (3) He will be exempted from rendering any labour but will ordinarily be given forest produce free for his own use only in return for his services rendered to the villagers on wages at the rates locally current. (4) He shall be subject to such additional conditions as the Divisional Forest Officer may, with the approval of the Chief Conservator of Forests, lay down in writing at the time of a dmission. (5) He shall be liable to be evicted summarily for the Divisional Forest Officer, without payment of compensation from the forest village for breach of any of the above terms or for breach of any provisions of the Nagaland Forest Act, 1968 or of the rules made thereunder in force at the time or for refusal to carry but his orders.