

Revenue Standing Orders Relating to Forest Settlement

TAMILNADU

India

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Rule

REVENUE-STANDING-ORDERS-RELATING-TO-FOREST-SETTLEMENT of 1893

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1.

The law relating to the procedure in forest settlement cases and the powers and duties of Forest Settlement Officers is contained in sections 3 to 17 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) and in the rules framed under section 63(b) of the said Act.

2.

Briefly, it is as follows:-The land to be reserved having been selected and report on the fact having been made through the Chief Conservator of Forests to Government, the Government of Tamil Nadu notify under section 4 of the Forest Act, that it is proposed to constitute this land a reserved forest, and appoint a Forest Settlement Officer to inquire into and settle all claims which may be laid either by the public or by individuals in or over the land or its produce. This notification is published in the Tamil Nadu Government Gazette and the District Gazette, and from that time until the settlement is complete, the jurisdiction of all other Courts over the land save by way of appeal from the Forest Settlement Officer, is barred, and save by special grant under section 7, no fresh rights can accrue. Claims to or over the land or its produce have then to be put in by claimant within three months and

notices to this effect have to be served on every owner or occupier of land included in or adjoining the land concerned. The claims put in are dealt with by the Forest Settlement Officer, his decisions are accepted or appealed against, as the case may be, reports made to Government through the Chief Conservator of Forests that the settlement has been made such of the claims being admit a notification under section 16 issued, and reserved is complete. The distinction that is drawn in section 10 of the Act between claims to rights of way, water, pasture, and forest produce, and claims to other rights in or over the land, will be noticed. The appeal in the former case lies to the Collector the appeal time being sixty days, and in the later case the District Judge, the appeal time being thirty days. In the case of easements, the order of the Forest Settlement Officer must be specially accurate and full; in the case of land, the land must either be acquired or excluded and for the purposes of acquisition, the Forest Settlement Officer as the powers of a Collector under the Land Acquisition Act.

3.

The rules under section 63(b) prescribe the procedure to be adopted in such matters as the recording of claims, the grant of copies of evidence and decisions to claimants, the persons who may represent a family, a tribe, a village, etc., the clubbing of claims for purposes of inquiry, the employment of vakils or other agents, the fees to be levied for processes. The duties and responsibilities of the Forest Officers appointed to attend the inquiry, the registers that the Forest Settlement Officer shall maintain the rates at which rights should be committed, the cases in which the Forest Settlement Officer should obtain the sanction of the Collector and of the Chief Conservator of Forests before granting compensation by means of exchange of land, etc.

4.

The ordinary procedure of forest settlement is as follows:- Firstly, selection and preliminary demarcation of the proposed block, and the preparation of a Plan and draft notification of boundaries by the District Forest Officer, secondly, inspection, perambulation, correction of map and settlement, by the Forest Settlement Officer; and thirdly, the preparation of the register of claims by the Forest Settlement Officer, the issue of the corrected map and final notification by the Forest Settlement Officer and the District Forest Officer, and the final demarcation by the District Forest Officer. The preliminary demarcation need not necessarily be of so permanent a character as the final demarcation, but it should be a definite and continuous line sufficient to show the Forest Settlement Officer and the ryots concerned where it runs. The inspection should be such as may be necessary to give the Forest Settlement Officer a general idea of the nature of the blocks, which he is about to settle, and to elucidate any points of doubt or dispute in regard to particular claims. The perambulation of the boundary should be done map in hand, so that the Forest Settlement Officer may become acquainted with the boundaries be able to settle satisfactorily the disputed points upon them, and he will mark upon the maps the places at which, and the extent to which correction or revision is necessary, or has been made. The attendance of the ryots upon these occasions should be encouraged, and actual perambulation should be made in all cases, except in very mountainous localities where it would be difficult to visit all the boundary, and in places where such perambulation is unnecessary owing to the fact that the boundary line follows well-defined natural

features. The Forest Settlement Officer's camp should be pitched and settlement should be conducted and completed in the immediate neighbourhood of the block concerned, and, so far as possible, the settlement of the whole block should be completed at one time. The Forest Settlement Officer is responsible for seeing that every claim which he admits is absolutely clear and definite. His right and duty to do this last for the whole of the time during which he is in charge of the settlement, i.e., for all the time between the issue of the notification under section 15 and the issue of the notification under section 16 of the Forest Act as during the whole of this period, he is legally in-charge of the settlement and is both able and responsible for carrying it out completely and thoroughly. It will, of course, be the duty of the District Forest Officer, to assist the Forest Settlement Officer in the matter by checking all claims before or at admission to ensure that they are clear and definite, and by at once bringing to his notice, any claim which is not so. After the notification under section 16 is issued, the Forest Settlement Officer is *functus officio* and as he has then no power to touch the settlement, whatever is to do or has to be done after that, in order to make his decision clear, must be done either by the Local Forest or Revenue Officers, or through the Civil Courts as may be most convenient or necessary.

5.

The details of the several operations are as follows:-(i) The District Forest Officer will first select and demarcate the proposed reserve with the aid of his maps, if any. The demarcations will be preliminary and the marks temporary. The temporary boundary marks may be flag, or cross-sticks, etc., on bamboo poles fixed in small piles of rough stones or mounds of earth. When maps are available, the District Forest Officer will mark on the taluk map or atlas sheets, the approximate limits of the proposed block and will either (a) have the map prepared under his own orders, or (b) if unable to do so, will send a tracing of the taluk map or atlas sheets to the Survey Officer. (ii) When the District Forest Officer finds that with or without the aid of the village survey map, he can himself get the map accurately and expeditiously prepared, he should adopt this course with a view to save the time necessarily required to obtain the map from the Survey Office in the way described in clauses (iv) to (vi) below. (iii) Where no village maps are available, the District Forest Officer should demarcate by cairns and any other permanent objects, and complete the draft notification as under section 4, independently, after surveying and preparing the map, if he is able to do so. (iv) If the District Forest Officer finds it necessary to send the tracing to the Survey Office, a map will be prepared in that office on the 16 or 8 inch scale by cutting out village maps, if there are any, and joining them together. If there are no village maps, the taluk map will be enlarged to the 8-inch scale, the position being shown of any G.T. points, revenue survey. The odolite stations or other survey marks that may be within the limits of or adjacent to the proposed reserve. (v) The map will then be sent to the District Forest Officer who should get the temporary forest boundary marks entered on it as correctly as possible by a surveyor trained to the revenue system of survey. This should be done with chain and offset pole when there is a village map or with plane-table and chain when the map is an enlarged taluk map. In both cases, the work must be checked by careful measurement to survey marks shown on the map. The surveyor must keep a record of measurement so that his work can afterwards be checked in the Survey Office. (vi) The map with the record of measurement may then, if necessary, be sent back to the Survey Office to be checked and reduced to the 8 inch scale, and it will finally be returned to the District Forest Officer. (vii) With the completed

map, the District Forest Officer will draw the draft notification under section 4 and forward it with the map to the Collector for transmission to the Chief Conservator of Forests and the Government.(viii)The map will, in due course, be returned to the District Forest Officer who will forward it to the Forest Settlement Officer.(ix)With the map in his hand, the Forest Settlement Officer accompanied by a competent Forest Officer will perambulate and inspect the reserve, and will as settlement proceeds, with the aid of a surveyor deputed by the District Forest Officer, if such, be available mark on it such changes in the proposed boundary as he may order, after bearing the parties interested and the District Forest Officer on the matter, and such other corrections as the map may require.(x)The Forest Settlement Officer must invariably record in note-book in his own hand, at the time, the result of his inspection and perambulation. Lists differences discovered or of alternative and exclusion to be made must be authenticated by his signature and communicated officially to the District Forest Officer.(xi)The survey should keep a record of measurement for all changes made in the boundary during settlement, so that the District Forest Officer or the Survey Office can afterwards check the accuracy of the plotting of the revised boundary.(xii)The Forest Settlement Officer's settlement should be made from a camp in the immediate neighbourhood of the proposed reserve and he should, as far as possible, complete the settlement of the whole block at one time so that he may not have to return it again and that the time of the Forest Officer attending the inquiry may not be wasted.(xiii)The Forest Settlement Officer will draft the notification under section 16 for the correctness of which he will be held responsible. In framing the description of boundaries for the notification under section 16, the numbers of the revenue survey (non paimash) fields through which the boundaries rim should, as far as possible, be given.(xiv)Both the map and the notification should be signed by the Forest Settlement Officer and the District Forest Officer to show that both officers have verified their accuracy.(xv)Both the map and the notification should be prepared and signed at the same time and place at which the settlement enquiry has been held. Where this is for any reason, not found possible, full reasons should be given for the adoption of any other course.(xvi)When a notification under section 16 has been issued and a block becomes finally reserved, the District Forest Officer should lose no time in replacing the temporary boundary marks by permanent demarcation. The permanent marks should, of course, occupy the exact position of the temporary marks or of other marks substituted for them, which may have been finally approved by Government.(xvii)The District Forest Officer should then fair copy the boundaries of the reserve on a clean copy of the map.(xviii)If the area of the reserve is not more than 10 square miles, any details of the interior of the reserve which may not already be shown in the map should, then, be filled in, under the direction of the District Forest Officer, by the surveyors placed at his disposal. When this is done, the map, together with the records of measurement mentioned above in clause (xi), should be sent to the Survey Office for the preparation of the final map.Of this final map, 50 copies should be obtained for distribution as shown below:One copy to Government (coloured).One copy to Chief Conservator of Forests (coloured).Twenty copies to the Conservator (5 colour and 15 uncoloured).Twenty-five copies to the District Forest Officer and his subordinates (5 coloured and 20 uncoloured).Three copies in reserve for sale, etc.(xix)When the area of the reserve exceeds 10 square miles, the missing interior details need not be filled in by the departmental surveyors; but the maps showing the boundary with the record of measurement should be sent through the Conservator to the Superintendent, Survey of India, by whom the final map will be prepared. The same number of copies will be printed for distribution as shown in statement below. If there should be any doubt regarding the necessity for this reference to the Superintendent, Government of India

Survey, and if there should be reason to consider that the map can be completed by the departmental surveyors with sufficient accuracy, reference should be made to the conservator; and if necessary, to Chief Conservator of Forests for orders.

Descriptions	Supply to Conservator	Supply to District Forest Officer								
Chief Conservator of Forest and Government	Conservator	Working-Plan Officer	Spare and for sale	Total	District Forest Officer	Range Officer	Spare	Total	Grand total	
1	2	3	4	5	6	7	8	9	10	11
Cut, folded and mounted, coloured	2	2	1	-	5	2	1	-	3	8
Uncut, backed with cloth, coloured	-	1	1	-	2	1	1	-	2	4
Cloth maps, coloured	-	1	1	-	2	1	1	-	2	4
Blueprints, unmounted	-	1	1	-	2	1	-	-	1	3
Black prints, unmounted, coloured	-	-	-	4	4	-	-	3	3	7
Black prints, unmounted uncoloured	-	-	2	8	10	-	-	14	14	24
Total	2	5	6	12	25	5	3	17	25	50

*When parts of more than one range are included in a sheet, the full supply must be provided for each range.

6.

The following orders have been issued, from time to time, for the information and guidance of officers engaged in forest settlement and are now brought together for facility of reference:-(1)Board's Proceedings, dated the 3rd May 1889, Forest No. 257. - The District Forest

Officer and the Forest Settlement Officer should refer, in the draft notifications under sections 4 and 16 of the Forest Act submitted by them, respectively, to the following features, chiefly:-(a)Surveyed and demarcated village boundaries and their marks;(b)Surveyed and demarcated field boundaries and kandam marks;(c)Roads, paths, rivers, canals, railways, etc.(d)Natural features, such as ridges or spurs of well-known hills, banks of rivers or streams, etc.(e)In the absence of other mark or features, forest boundaries and their marks.The description of boundaries should start from the north-west corner and go round the block along the northern, eastern, southern and western sides in order.With a view to secure uniformity in all the districts in the matter of boundary descriptions, both under sections 4 and 16, the following points should be attended to:-In surveyed and demarcated districts, the boundaries of reserves should follow the surveyed boundaries of field and villages adjoining the forest on the out side, or at any rate commence and end at village or field boundary marks. The advantage of this course is obvious, as an accurate and authentic tracing of the proposed reserves can at once be prepared from village maps. As the demarcation of village and field boundaries has already been performed, there will be no need in most cases for a fresh forest survey and demarcation in connection with the notification under section 4 and though the final demarcation for forest purposes should be complete in itself and independent of field stones, it will be greatly facilitated if the deviations from the village and field survey limits are only such as may be required to secure good boundary lines.It must be of course be understood that these instructions are not meant to apply to cases in which it is desired to leave a margin between the reserve and land now under cultivation or set aside as village poramboke.As regards unsurveyed tracts, in the absence of a sufficient number of natural features or other well-known land marks for a complete boundary descriptions, as many cairns as possible should be erected on sites which can be fixed with reference to some known point, the direction of the lines from one cairn to another and the distance between each cairn being at the same time given.(2)Board's Proceedings, dated the 20th July 1889, Forest No. 390. - The clauses (a) and (b) of section 12 of the Act (V of 1882) are intended to be alternative, that is, if the Forest Settlement Officer has passed an order under one of the clauses in regard to a certain right, he is precluded from dealing with the same right under the other clause.(3)Board's Proceedings, dated the 29th August 1889, Forest No. 442. - Forest Settlement Officer is not empowered by the Act to review his own decision, but he may correct verbal or clerical errors.(4)Board's Proceedings, dated the 3rd July 1891, Forest No. 291. - Forest Settlement Officers should, as far as possible, accept the Collector's wishes in regard to the course to be pursued under section 10(i); if they consider themselves unable to do so with propriety, they should refer the matter to the Chief Conservator of Forests for orders.(5)Board's Proceedings, dated-the 31st March 1890, Forest No. 178. - It is not illegal to include in a notification under section 4 of the Forest Act any land over which the Government recognizes any claims or about which there is dispute; but where the dispute relates to a large tract of land, it is better to proceed under the Tamil Nadu Survey Boundary Act, 1923 (Tamil Nadu Act VIII of 1923) before notifying the area under the Forest Act. The mere fact that the land is notified under section 4 does not of itself forbid the exercise of the private rights of the claimant to the land excepting his right to clear land for cultivation without the permission of the Forest Settlement Officer or to get a patta without the sanction of Government.(6)Board's Proceeding, dated the 19th April 1899, Forest No. 208. - The District Forest Officer is not bound to oppose every claim made, as a matter of course nor is he required to bring up for admission and record every right of way on behalf of the public, but only such as he considers important.(7)Board's Proceedings, dated the 31st October 1892, Forest No. 605 and 25th January

1893, Forest No. 54. - Lands which it is necessary to acquire for forest settlement purposes must invariably be acquired under the Land Acquisition Act. In this connection, attention is invited to the instructions contained in Board's Standing Order No. 90 (New Edition).(8)Board's Proceedings, dated the 2nd July 1888, Forest No. 337. - The District Forest Officer, as representing Government is competent to move the Forest Settlement Officer to exclude any portion of a proposed reserve by alteration of the notified boundary; but neither officer has the power to add to the reserve any land not included within the limits given in the notification under section 4.(9)Board's Proceedings dated the 25th January 1893, Forest No. 55, and 24th February 1893, Forest No. 128. - The Forest Settlement Officer should, whenever he can spare time, help the District Forest Officer in the preparation of correct plans of the reserves in surveyed taluks where village plans are available. He should make all the alterations in the maps which he can without wasting time by sending them back to the District Forest Officer.(10)Board's Proceedings, dated the 24th February 1893, Forest No. 128. - It is only in rare cases that a reference to the District Forest Officer should be required to ascertain the areas of portions of blocks excluded at settlement. The Forest Settlement Officer should be able, with the help of a scale, to find out from the map the area of the portions to be excluded as well as the District Forest Officer could do it. He can also refer to the village karnam where necessary.(11)Board's Proceedings, dated the 7th Jun» 1889, Forest No. 317. - The draft final notification for each block should be submitted with a separate covering letter.(12)Board's Proceedings, dated the 15th March 1887, Forest No. 147. - After publication of the final notification in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.], Forest Settlement Officers need not wait for the receipt of the order of Government to publish the proclamation prescribed by the second clause of section 16, but should take action on receipt of the Fort St. George Gazette.(13)For the purpose of the second clause of section 16, the Forest Settlement Officer is merely required to publish the final notification in the manner described in the first clause of section 6. The remaining clause of the latter section are not applicable to the proclamation issued under section 16.(14)Board's Proceedings, Miscellaneous No. 1488, L. R. and S., dated the 13th May 1932, Board's Proceedings Miscellaneous No. 2672, L. R. and S., dated the 8th September 1932, Board's Proceedings Miscellaneous No. 813, L. R. and S., dated the 14th March 1933, and Board's Proceedings Miscellaneous No. 1450, L. R. and S., dated the 23rd May 1933. - The original records of all forest settlement enquiries relating to each reserve should be kept in separate bundles, between paper card boards or wooden planks in wooden boxes or almirahs. The packets as well as the boxes or almirahs should be sealed with the seal of the Collector. A copy of the list of contents of each packet should be on record in the District Forest Office. When the District Forest Officer desires access to the records of any reservation, he should make a written indent signed by himself, to the Collector. The Collector should satisfy himself that the contents of each packet are complete on its return from the District Forest Officer, who would be personally responsible for the safe custody of the records when they are in his office. The Collector should, on or before the 15th April, furnish the Conservator of Forests concerned with an annual certificate of the verification of the number of sealed packets and boxes in his custody. It shall be the duty of the Conservator to satisfy himself during his periodical inspection of District Forest Officers in such manner as he may deem fit, that these rules are being observed.(15)Board's Proceedings, dated the 23rd May 1902, Forest No. 157. - In submitting notifications under section 16 of the Forest Act, Collectors should satisfy themselves that the lands and trees to which private rights have been admitted at settlement have been well defined and marked, the lands being permanently demarcated on the ground and the trees

marked, numbered and stamped and should, invariably mention in their covering letter to the Chief Conservator of Forests that they have done so. Appendix

1. For large blocks, the maps on the 8 inch scale will, no doubt, be unwieldy, but the Chief Conservator of Forests may note that in requiring their submission and not that of smaller maps he has in view the saving of the time of all the officers responsible for checking them, through whose hands they pass. Under the present system of submitting only a small scale map, or a map prepared by hand, an immense amount of time and labour is wasted in the effort, often a vain one, to fit the small or the inaccurate hand-made map on to the regular village maps, which is a necessary step to checking the boundaries. When the actual village map itself, or an authoritative reduction of it is submitted, the whole of this time and labour will be saved, and the check will be merely the simple one of seeing that the notification is correctly worded.

Note. - In special cases, for instance in the case of un-surveyed tracts, the Chief Conservator of Forests will allow Collectors to submit maps on the scale of 4 inches to the mile or on any other scale, provided necessary details are marked on the maps.

2. In conclusion, the Chief Conservator of Forests desires that Forest Settlement Officers will understand that there is no necessity for them to wait, before beginning their enquiries, until the expiry of the period of not less than three months allowed by section 6(d) of the Act for the preferring of claims. If they can get claims sooner, there is nothing to prevent their proceeding to enquire into them, if it is otherwise convenient to do so, though the conclusion of the period allowed must, of course, be awaited, before the enquiry can be closed and the final notification under section 16 be prepared.