

The Himachal Pradesh Forest (Settlement) Rules 1965, As Amended By First Amendment Rules 1975

HIMACHAL PRADESH

India

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Rule

THE-HIMACHAL-PRADESH-FOREST-SETTLEMENT-RULES-1965-AS-A of 1975

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The Himachal Pradesh Forest (Settlement) Rules 1965, As Amended By First Amendment Rules 1975 Published Vide Notification No. Ft. 162-1/61-2(M) dated 25 August 1966. No. Ft. 162-1/61-II(M). - In exercise of the powers conferred by section 76 of the Indian Forest Act, 1927, the Lieut. Governor, Himachal Pradesh is pleased to make the following rules namely: -Rules

Part I – Preliminary

1. Short title and repeal.

(1) These rules may be called the Himachal Pradesh Forest (Settlement) Rules, 1965. (2) All rules corresponding to or covered by those rules shall stand repealed.

2. Definition.

- In these rules, unless the context required otherwise; (1) "Act" means the Indian Forest Act, 1927. (2) "Form" means a form appended to these rules, and (3) "Forest Settlement Officer" means Collector, Forest Department, Himachal Pradesh and includes an officer appointed as such under Rules of these Rules.

3. Control of the Chief Conservator over forest Settlement.

- Forest settlement is concerned with the constitution of Government forests and waste-lands into Reserve and Protected Forest in accordance with the procedure laid down in Chapter II and IV of the Act. The administrative Control over Forest Settlement will vest in the Chief Conservator of Forest. The preliminary demarcation of forest boundaries will be carried out under his directions.

4. Appointment of Forest Settlement Officer and their jurisdiction.

- (i) For the purpose of Forest Settlement the Government, may appoint as many Forest Settlement Officers as it may deem necessary. These Officers shall ordinarily be persons not holding any forest office except that of Forest Settlement officer and will be drawn from the State Civil service.(ii)The jurisdiction of Forest Settlement Officer will be decided by the Government on the recommendation of the Chief Conservator of Forests.

Part II – Demarcation & Survey

5.

(i)The State Government may at any time declare as Reserved forest and arty forest land or waste land which is the property of Government or over which the Government has proprietary rights or to the whole or any part of the forest produce of which the Government is entitled.(ii)Proposal for issuing a notification under section 4 of the Act will be submitted to the Government by the Chief Conservator of Forests.(iii)The notification under section 4 shall be in the Form 'A'.

6. Preliminary Demarcation.

- (i) After a notification under section 4 is issued the areas should be demarcated by fixing A temporary cairns or pillars or such other marks as may be convenient. Such cairns, pillars or any other marks should be visible, one from the other.(ii)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 to the Forest Settlement Officer and the villagers concerned where and how it runs.(iii)The Forest Boundary pillars will mark the actual limits of the reserve and should be placed on the other edge of the boundary line.(iv)The demarcation of forests will be carried out by the Forest Department. The boundary marks will be maintained properly till the preliminary inquiry is completed and are replaced by suitable the Divisional Forest Officer of the Division and it will be the duty of the Forest Department to look after and maintain them properly.(v)The boundary pillars will generally be of dry stonemasonry of such size and specifications as may be prescribed by the Conservator of Forests of the Circle keeping in view the local conditions and availability of the material.All pillars should bear a serial number. The numbering of the pillars should be clockwise.(vi)The boundary description should be given in one of the following two forms:
-Description form. - From pillar No. I situated on as per by straight line from pillars to pillar No. 38 on the bank of a Nala. Thence along the western side of the Nala No. 30 on a ridge etc.; back to pillar

No. 1. Tabular form. - Pillar No. 1 to Pillar No. 2, 10 karmas westward or north direction. Pillar No. 2 to Pillar No. 3. Note - If lengths are measured in Karma the length of the Karm must be specified.

7.

The demarcation or survey of Forest boundaries will be undertaken on Patwar or Forest Survey maps, for this purpose the Forest Settlement Officer will arrange to get the tracings of the latest Settlement map of the village having the said reserve or from the original survey sheet and proceed with the work of demarcation or survey as the case may be by taking compact areas. The Patwari will be first proceed to the village in North West of the Forest and start work with the help of neighbouring 'Mustkil' points viz; walls, boundary pillars, Mustkil paths and survey the former boundary by preparing the field Book. He will plot the days work everyday and the Forest Kanungo in his weekly inspection will check the work on the traces. The details of the boundary line with regard to the checking will be recorded in the Inspection Book. The Patwari, Pardhan Gram Panchayat or the village Lambardar and the Forest Guard will also remain with the Forest Patwari. The Forest Naib Tehsildar will not ink the line of dispute and will report such case to the Forest Settlement Officer On receipt of his final order the disputed line will be inked. The record will work will be done during the rainy season or in any other season keeping in view the climatic conditions of the area. In unsurveyed areas where survey also has been undertaken the Patwari will prepare the Surhadi register of the Forest as per form 'T' which will also be checked by the Forest Naib Tehsildar, the Tehsildar and the Forest Settlement Officer at the time of their respective inspections of the forest.

Part III – Compilation of Record

8.

(a) The following records will be prepared for every forest: - (i) Village wise Khasra of the forest as given in form 'B' (ii) A general statement as given in form 'C'. (iii) Allot of ways and paths open to public throughout the year vide form 'D'. (iv) Allot of temples open to public for worship vide form 'E'. (b) All those papers will be signed by the Forest Settlement Officer. The Forest Settlement Officer will finalise the inquiry and in case of the Reserved Forest submit a draft for final notification as required under section 20 of the Act. The summary report will be draw in form 'F'. (c) After publication of the final notification in the official Gazette, the Forest Settlement Officer will arrange to send a copy of the village map alongwith a list of khasra numbers included in the Reserved forest and the statement of rights and concessions admitted therein to the Divisional Forest Officer and the District Collector for making necessary entries in the Revenue Records. On the expiry of a period of one year from the date of final notification, the records will be deposited with the District Collector concerned. (d) The final notification shall be in the form 'G'. Case Work

9. Files.

(a) There will be a general file for every forest and separate files for each village for which claims are filed by persons in their joint or individual capacity. General forest file will contain the following papers: - (i) The title page. (ii) Order sheet. (iii) A copy of the Government Notification under section 4 of the Indian Forest Act. (iv) The boundary description prepared. (v) The letter of authority from the Divisional Forest Officer. (vi) A copy of the proclamation under section 6. (vii) A consolidated sketch map of the forest. (viii) A consolidated village wise Khasra of the Forest. (ix) A list of ways and paths open to the public. (x) A list of temples. (xi) A list of boundary pillars. (xii) Acknowledgement from the Range Officer that alteration made preliminary boundary have been explained to him. (xiii) A summary of proceedings giving the gist of the claims preferred admitted or rejected. (xiv) A copy of the Draft Final Notification along with boundary description and Schedules of concessions and rights admitted. The village file will contain the following papers: - (i) Title page. (ii) Copy of proclamation duly served. (iii) Complaint or claim preferred in writing or orally. (iv) Written statement or reply of the Forest Department. (v) Evidence adduced. (vi) Order sheet and decision. (vii) A tracing of the Revenue map of the village showing the forest boundary line. (viii) Miscellaneous papers. (b) Registers. - Two separate registers 'A' and 'B' will be prepared in the prescribed form as shown in the form 'B'.

10. Procedure for drafting Final Notification under Section 20 of the Act.

(a) When all the claims preferred by the villagers have been inquired into and decided and the limitation period prescribed under section 17 of the Act is over, the Forest Settlement Officer will take up the draft of the final notification under section 20 of the Act which will be drawn separately. (i) Where no claims (neither rights nor concessions) have been admitted. (ii) Where claims (rights) have been admitted. (iii) Where concessions only have been admitted. (iv) Where both rights and concessions have been admitted. (b) These drafts will be accompanied by the abstract lists of right and concessions as per annexures attached to the form 'G'.

Part IV – Investigation of Claims

11. Data to be collected by Forest Settlement Officer.

- (i) After publication of a notification under Section 4 of the Act the Forest Settlement Officer will collect the following information with the assistance of the Divisional Forest Officer. (a) Sketch map of the forest illustrating the demarcation line. (b) A description of the boundary. (c) Proclamation by the Forest Settlement Officer: - The first step to be taken by the Forest Settlement Officer is the publication of a proclamation under section 6 of the Act as given in Form specifying the situation and limits of the proposed Reserved as published in the Official Gazette, explaining the consequences which will ensue on the reservation of the forest and requiring all persons claiming any rights in or over such forests, to specify within the prescribed period, either in writing or verbally the nature of such rights and the amount and the particulars or the compensation (if any) claimed in respect thereof. A period of at least three months from the date of publication of the proclamation must be allowed for the presentation of claims and the proclamation must be

published in Hindi and posted in every town and village in the vicinity of the proposed reserve forest and it will also be done by beat of drum or in any other manner convenient. Copies of the proclamation should be sent to the Divisional Forest Officer, Tehsildar and the President of the Gram Panchayat concerned and copies of the acknowledgement of the receipt of such proclamation will be placed in the village file. The forest Settlement Officer should, moreover, not only publish and distribute the proclamation as above, but also explain its meaning at every convenient opportunity to the villagers concerned.

12. Inquiry by the Forest Settlement Officer.

(a) As soon as practicable after issue of the proclamation, the Forest Settlement Officer should visit the village in the neighbourhood of the proposed Reserve Forest. He should inspect as much as possible of it and afford the people likely to be effected by the proposed reservation, full opportunity for putting forward their claims for the spot. (b) The Forest Settlement Officer is bound by law to make down writing all statements of the claims made under section 6 of the Act and to enquire into the same; and even in the case of practices not actually brought to his notice, under section 6, it will be his duty to ascertain all that may be ascertainable on the subject from the records of the Administration and the evidence of the persons likely to be acquainted with the same and to deal with such practices as if the claim thereto had been formerly preferred under section 6. Forest Officer attending the inquiry) if application is made to compel attendance of witnesses the production of documents. (j) The Forest Officer standing the inquiry shall have power similar to those of a defendant in a civil suit. He may cross-examine witnesses, may produce evidence to rebut claims, and may comment on any documents or evidence and no court fees shall be required of him. If he desires to prefer an appeal against any decision, the Forest Settlement Officer shall give him duly certified copy of such decision and will meet the cost from the contingencies of the Forest Settlement Budget. (k) The Forest Settlement Officer shall give reasonable notice to the Divisional Forest Officer of the dates fixed by him for inquiry into claims. If the Divisional Forest Officers is himself unable to attend on those occasions or to depute a suitable representative in his place, he may forward to the Forest Settlement Officer any statement he may wish to make in writing with any documents he may wish to put in. He may in such cases, if he so desires depute a subordinate to explain if necessary, the statement submitted by him. The Forest Settlement Officer shall as far as may be convenient meet the wishes of the Forest Department by adjourning inquiries to give time to consult the conservator or the Chief Conservator. (l) The views of the Deputy Commissioner in cases regarding land (the claims to which are being investigated under section II of the Act) or of the Co-servation on any question which may arise, should be placed before the Forest Settlement Officer by the Divisional Forest Officer in the form of a written note. Such written note shall be read aloud and shall form part of the record and shall be explained to the claimants in their vernacular language if they do not understand English.

13.

(a) The claims on which the Forest Settlement Officer will have to adjudicate will usually be of two classes; - (i) claims to land; (ii) claims to rights of the nature of easements, specified in section 12 of the Act. (b) He will record the evidence and decide on the claim in each case in the manner

prescribed by the Code of Civil Procedure to be followed in appealable cases. He will also maintain two registers (A&B) as prescribed in form 'H' and will enter in the former all claims as they are received and in the latter all claims as they are disposed of, Register 'B' or fair signed copy thereof must, upon the completion of the operations be forwarded to the Government through the Chief Conservator of Forests with the draft notification under section 20 of the Act together with (1) an abstract statement of admitted claims (for publication in the Gazette) in the Form 'G' (or such corresponding form as the special conditions of the case will admit), (2) A summary report of the Forest Settlement Officer's proceedings, which should contain his recommendations, if any, for sanctioning, as of privilege, the continuance of practices which although not claimable as of right and consequently not entered in the abstract as admitted rights, are in the opinion of the Forest Settlement Officer advisable in the interest of the Welfare of the people such concessions should be indicated by the letter 'C' in the abstract); (3) the boundary map or tracing of the proposed reserve with a detailed description of the same showing in a clear and unmistakable manner the boundaries of the reserve as ultimately adopted by him and specified in his final draft notification under section 20 of the Act.(c)When a claim comes partly under section II and partly under section 12 of the Act, the Forest Settlement Officer will separate those parts of it which fall under section II from those which fall under section 12 and will enter them in his register as distinct claims.(d)In cases in which appeals are preferred against his decisions the Forest Settlement Officer will obtain copies of the appellate decisions, which should form part of the settlement period. A brief abstract of each appellate judgement should also be prepared and entered in the appropriate column of register 'B' reference being made in the 'remarks' column to the number and date of such judgement.

14.

When the Forest Settlement Officer has admitted a claim, the Forest Officer attending the inquiry or failing such, the Divisional Forest Officer will state which among the courses provided in section 10(1), 11, 15 and 16 of the Act it is desirable to follow and may apply for an adjournment to enable him to make advice of his superior authority before doing so. The Forest Settlement Officer will hear the claimant whose claim has been admitted before deciding what action he will take in the matter.

15.

The grant under section 10(1), 11, 15 and 16 of the Act, by the Forest Settlement Officer of unreserved land or of rights over such land in exchange for land or in commutation of rights admitted in a reserved forest, would require the concurrence of the Deputy Commissioner, while the grant from reserved forests or rights over it requires the sanction of the Government.

16.

When the Forest Settlement Officer acts under section 16 and commutes a right of pasture or of forest produce by a grant of money or land such commutation shall ordinarily be calculated as follows: -(a)If in money, at 20 years purchase of the annual value of the right as ascertained by the Forest Settlement Officer.(b)If paid for land, the assessment of the land should be equal to the annual value of the commuted right as estimated by the Forest Settlement Officer.

Part V – Determination of Rights and Concessions

17.

Rights are those claims which are supported by documentary evidence such as Sanod, Patta or an entry into the official-record. He will be treated as Concessions. Concessions are terminable as and when necessary by the Government. While dealing with the claims made, it will be found that they will be one or other of the following kinds. A claim to whole land itself, or (more likely) one or more plots of land within the proposed forest. In such a case, the claim likely to be put forward is to the ownership of the land itself or some part of it. If the claim should affect the whole of the proposed forest greater part of it, it would follow that the proposal to create forest under the Act could not be carried out; the proceedings would then be closed, on decision going in favour of the claimant, unless indeed it some special case in which the Forest is on public ground, so desirable, that Government will be justified in declaring public utility and proceeding to acquire the estate under the Land Acquisition Act. In such a case the Forest Settlement Officer will send his report to the Chief Conservator of Forests informing him that on the ground mentioned in his decision it is not possible to constitute a forest estate of the block. Generally what happens is that one (or many plots) inside the forest block are either claimed under proprietary right or tenancy right or as Chargaha earmarked for the village cattle. If the claim is allowed then either: (1) it will be bought out by consent or acquired under the Land Acquisition Act, if the Divisional Forest Officer makes a move that it would be in the interest of Forest Conservator to do so, or (2) will be exchanged for some other suitable piece of land, or (3) will be excluded from the forest boundary, if this can conveniently be done, or (4) will be 1st alone in such a case the plot or plots would be shown by interior lines both on the map as well as on the spot. Sometimes, small plots are cleared and cultivation established without proper authority. If the case is shown to be one of unauthorised clearing or a case of equating with no equitable title, the claim would be disallowed. Claims to a right of the class which does not involve taking produce from the estate e.g. a right of way, Cattle-drive, a right to have water course (canal out or drain channel) across the land, a right to have access to or use of water such as spring for house-hold purpose or cattle watering or to worship at a temple and to hold Mela within the forest limit as these being mostly, 'Necessary Rights, their record and description is all that is possible and needful. In case of right of way, it should be specially recorded whether it is for a private person or a whole village or people at large. It will also be desirable to specify whether it is a way for passage of human beings for driving cattle, or for taking cart along; and in such case it may be desirable to record the width of the way allowed. In case of right to water course or drainage, particulars (in case of a canal or ditch) such as regards access for purpose of clearing, or deposit of the silt cleared out or the like; as well as the width of channel and its necessary margin or bank space should be recorded. In case of right to use water where a spring or pool in the forest is main place which neighbouring cattle can get water at, or at which house-hold water can be obtained, should be recorded as a right of necessity. As far as possible; if such places are near the edge of the forest, they may be excluded from proposed forest by altering its boundary unless these are the only places where wild animals come to drink water which necessitates the inclusion of such spots in the forest boundary for the purpose of saving the wild life from destruction. Claims to right of worship and right to holding mela are of necessity and should be recognised as such. In case of right of holding mela, the dates and the places should be specified. A claim to practice of shifting cultivation. The

procedure provided under section 10 is in detail and should be followed. Rights in the nature of the easement or otherwise which involve taking some produce or part of the estate e.g. to dig clay, lime stone, to cut turf or code, to burn lime or charcoal, to extract chilgoza to cut grass, to pasture cattle, to cut wood and in fact very class of the well-known forest rights or easements may be of the following forms: -

1. Rights to wood:

(i) For residential buildings and cattle-sheds, (ii) For industry and agricultural purposes. (iii) For fuel (Brush wood, billet-wood dead-wood, Torches) (iv) For fencing. (i) Wood for residential buildings and cattle sheds: - For this, reference has always to be made to the usual style of building in the locality and there is never any need to allow the best or costly woods for indoor or other work Where an inferior timber will do. The quantity cannot always be prescribed. The intervals at which wood may be demanded will be fixed with reference to the number of years each kind of building will ordinarily last. The quantum of this right will be fixed for well defined tracts in consultation with the Divisional Forest Officer of the area and keeping in view the various local conditions and usages. (ii) Wood for Industrial and Agricultural Purposes. - In Himachal Pradesh, the right to wood for industrial purposes does not exist for Agricultural purposes wood from forests is generally extracted wither as a matter of right or as concession and in all such cases, it will be found that these are customary kinds and sizes of wood used for particular purposes and can easily be prescribed to the satisfaction of all parties. The extent in terms of cubic feet of wood required for agricultural purposes, can be determined on the basis of number of ploughs. A complete plough requires about 1 ft and so far as other implements of agriculture are concerned, the quantity and kind of wood differs from place to place and has to be assessed according to local conditions of the area. These concessions should not exceed the limit of 3 ploughs per family. (iii) Wood for fuel. - Normally the right is confined to the removal of brush wood, dry fallen wood of trees subject to availability, Trunks of fallen trees of valuable species and useful timber are not taken, although branches can be removed. This right is exercised to meet bonafide domestic purposes as fuel wood is seldom sold in villages. In rare cases where fuel wood can be taken away for sale, a clear mention of the same and its extent shall be recorded. (iv) Fencing Thorny-bushes and twigs, such as of per (Zizybus) jujuba, Karaunda (Carissa opaca) and Kashmal (Derbaris spp) are taken by cultivators fencing fields or cowshed. It is not practicable to fix any quantity for it. This depends upon the availability or the material and the extent to which fencing as necessary.

2. Rights of pasture or Grazing. - This rights may be of two kind (1) Right of the adjoining villages or local right holders and (2) that of migratory herds, Grazing facilities are allowed mainly for bulls, oxen, cow and buffaloes. There is no direct prohibition of the grazing of goats, sheep and camels, but since these are destructive to the forest, their numbers be restricted as far as possible, Mules, horses, donkey are not common and they may be treated on the same footing as cows and buffaloes.

The maximum number and kind of cattle admitted to graze must always be specific and estimated at the rate of 2 acres per cow and four acres per buffalo. In barren areas or where the stocking of forest is very poor, the unit will be 5 acres per cow. The latest cattle Census figures may be taken as the basis of determining the maximum number. The season to grazing may also be specified. While admitting the cattle for grazing, the Forest Settlement Officer will keep in view the scale his opinion whether the forest can stand the burden and give his suggestion.

3. Right of Grass Cutting. - This right is not recognised for the purpose of stock above the actual domestic requirements. As the grass is cut and brought from the forest in head-loads only for milch cows and buffaloes or calves or oxen, the number of head-loads may be determined at the rate of one head-load for two cows or for one buffalo or for a pair of oxen or for four young calves per day. The season may also be specified during which head-loads of grass may be cut. For estimating the quantity, 100 head-loads per year per family may be taken as a rough guide. The period closed to grazing or grass cutting should be specifically mentioned.

4. Right of Litter and of Lopping. - The definition will consist in describing the nature of right. As to lopping if for fodder, the kind of trees and the places where it can be exercised should be defined. This should be permitted only if it has been long standing practice. Lopping is generally for (1) milch buffalo e.g. leaves of Kharki-Karyali etc. (2) Young ones of goats and sheep who cannot go out for grazing. As to the former one head-load such green leaves for one milch buffalo and for the latter one head-load for a heard of fifty heads may form the basis for determining the quantity per day.

At places where pine-twings are collected for thatching the number of head-loads may be ascertained by examining the need of the right-holder. Roughly, five head-loads per year should suffice for thatching a shed for 10 cattle heads. The species of trees as well as the extent to which leaves may be removed should be defined. Loppings of branches of broad leaves species upto one inch, girth and upto lower $\frac{1}{2}$ of their crown may be allowed. Right to collect Minor Produce: - Right to collect minor forest produce consists of collection of gums and resin, wax and honey, hides and horns wood oil, medicinal herbs, flowers and leaves, fruits and seeds, bark, fibre, clay, sand gravel, lime stone pebbles, slate etc. The produce will be removed only to the extent of personal bonafide requirements. Right of Hunting and Fishing. - Such rights do not exist, except for the Rulers of the Former States. These rights are governed by the terms of the privileges recognised separately in each case by the Government

18. Guiding Principle.

- All these rights and concessions are meant for the satisfaction of personal bonafide requirements and subject to the condition that forests are to be maintained in perpetuity. The right of user or easement is always a limited one, it can never extend so as to destroy the servient estate. The right exists so long as the (servient) property is safe or continues to exist, because if the (servient) estate ceases to exist, the right ceases with it. So while dealing with the claims, the Forest Settlement Officer should see that the forests are not unduly burdened.

19.

After the issue of a notification under section 4, no fresh clearing for cultivation or for any other purpose shall be made in the land included in the said notification. Provided that the Collector may with the previous concurrence of the Chief Conservator of Forests permit such clearings for rehabilitating displaced persons and landless tenants and for irrigation projects. [20 [Substituted vide Amendment H.P. Government Notification No. 15-2/73-Section F. dated 3.10.1975.]] (i) Usually all Government forest lands and waste lands, the protection of which is necessary, will be continued as Protected Forests. (ii) The Conservator of Forests will send a proposal with sketches to the Collector Forests with regard to areas which are required declared as Protected Forests. The areas under near cultivated lands and ABADIS may not be proposed to be declared as Protected Forests sufficient areas are to be left out for legitimate use of the right holders. As soon as the proposals are received, the Collector Forests shall depute Forest Settlement Staff under him to measure and demarcate the proposed area and the responsible Forest Officer by fixing boundary pegs or stone cairns. (iii) The Collector Forests shall get prepared the following records for each forest with the help of revenue settlement record: - (a) Map of the forest. (b) Field Book. (c) Jamabandi. (d) Khasra Banaobast as per form 'B'. (e) A general statement as per form 'C'. (f) A list of ways and paths open to Public throughout the year as per form 'D'. (g) A list of religious places open to public for worship as per form 'E'. All this record will be checked 100% by the Kanungo and to a minimum of 30% and 25% by the Naib Tehsildar and Tehsildar respectively and results recorded in the Inspection Note Book. The record mentioned at (d), (e), (f) and (g) above will be signed by the Collector Forests also which will be attached with the Forest file concerned at the time of file construction. (iv) After the demarcation and completion of record as mentioned above, the Collector Forests will issue a proclamation in form 'L' under section 29 of the Act, inviting claims and objections of the right holders pertaining to their rights into the said forests to be filled within 30 days from the date of issue of the proclamation. The publicity of the proclamation shall be made by the beat of drum through the Tehsildar Mohal concerned. Copy of the proclamation will also be sent to the concerned Divisional Forest Officer as well as to the Gram Panchayat concerned. (v) After the expiry of period of 30 days, the Collector Forests shall hold enquiry into the rights of Government, and of the private persons at a convenient place as close to the concerned forests as possible. The date and place of enquiry shall be intimated in advance to the concerned parties. (vi) Concerned Divisional Forest Officer or his nominee will appear, plead and act on behalf of the Government before the Collector Forests and furnish written statements regarding rights and concession exercised by the right holders such like matters. The enquiry shall not be elaborated. Abstracts of rights and concessions as admitted shall also be reproduced as per annexure of form 'G'. (vii) The Collector Forests will

prepare for each forest, one file containing the following documents: -(a)title page.(b)Order sheet.(c)Khasra Bandobast vide form 'B'.(d)a general statement as given in form 'C'.(e)a list of ways and paths open to public throughout the year as per form 'D'.(f)a list of religious places open to public for worship as per form E'.(g)proclamation issued under sub-rule (iv).(h)claims and objects, if any received under sub-rule (iv).(i)summons issued under sub-rule (v).(j)statements of parties etc., recorded under sub-rule (vi).(k)any other document relevant with the case, and(I)abstract of rights and concessions as per annexure of form 'G'.

21. [[Substituted vide Amendment H.P. Government Notification No. 15-2/73-Section F. dated 3.10.1975.]

] (1) After the file as per Rule 21 (vii) is prepared and completed, the Collector Forests shall draw summary report of the proceedings in the form 'N' After expiry of period of appeal and revision he will also prepare draft for notification in form 'M' Alongwith these two forms, he will also submit copies of abstract of right and concessions in form 'G' and his orders to the Chief Conservator of Forest through the Conservator of Forests concerned for getting notification issued by the Government under Section 29(1) of the Act.(2)Simultaneously Boundary Register of Forests also be compiled and authenticated by the Collector Forests and the Divisional Forests Officer concerned which will remain with the Divisional Forest Officer".["22. [Inserted vide Amendment H.P. Government Notification No. 15-2/73-S.F. dated 3.10.75.]] On receipt of record mentioned in Rule-21(1) the Chief Conservator of Forests will submit the same to the Government for issuance of notification under provisions of the Act."["23. [Inserted vide Amendment H.P. Government Notification ibid.]] The State Government shall publish the notification in the Official Gazettee and thereafter the Collector Forests shall arranged to send a copy each of the Forests map, Field Book, a list of Khasra Numbers included in the Protected Forest, his orders, abstract of right and concession in form 'G' and Government Notification to the District Collector concerned for making entries in the revenue record. A copy each of record mentioned in clauses (d), (e), (f), (g), (j), (k) and (l) of Rule 20 (vii) alongwith a copy of forest map and Government, notification shall also be sent to the Divisional Forest Officer concerned. Thereafter the forest file as referred to in Rule 20(vii) and the record referred to in clauses (a), (b) and (c) of Rule 20(ii) together with Inspection Note Books etc., and Government, notification will be properly indexed, catalogued and bound in suitable volumes and deposited with the District Collector concerned.

24. Rectification.

- Before publication of notification in the Official Gazette under rule 23 if some clerical or arithemata error if found to have crept into the order of the Collector Forests, the same may be rectified by him by a proper order.

25. Appeal Review and Revision.

(1)An appeal from the original order of Collector Forests under these rules shall lie to the Commissioner within 60 days from the date of order to be appealed against and that to the Financial

Commissioner, when the order is made by the Commissioner, within 90 days from the date of order of Commissioner: Provided that when an original order is confirmed on first appeal, further appeal shall not lie. (2) The Collector Forests may either of his own motion or on the application of any party interests, review and on so reviewing modify, reverse or confirm any order passed by himself or by any of his predecessors in office. Provided that - (a) an application for review shall not be entertained unless it is made within 30 days from the passing of the Forests that he had sufficient cause for not making the application within the said period of 30 days. (b) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order. (3) (a) The Financial Commissioner may at any time call for the record of any case pending before or disposed of by the Collector Forests, or the Commissioner. (b) The Commissioner may call for the record of case pending before or disposed of by the Collector Forests. (c) If in any case in which a Commissioner has called for a record, he is of opinion that the proceedings taken in order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner. (d) The Financial Commissioner may in any case called for under clause or reported to him under clause pass such order as he thinks fit: Provided that he shall not pass an order reversing or modifying any proceedings order of the Collector Forests or the Commissioner and affecting any question of right between private persons without giving those persons an opportunity of being heard". The Schedule List of forests recommended for final notification Range..... Division..... Tehsil..... District.....

SI. No.	Name of Forest	Protected Mohal	Khasra Number	(Area in acres	General Descriptions
(1)	(2)	(3)	(4)	(5)	(6)

Part VII – Miscellaneous

The Divisional Forest Officer or their nominees are authorised to appear (plead and act on behalf of the Government, before the Forest Settlement Officer or the appellate authority in the course of any inquiry or appeal pertaining to their respective areas under section 19 of the Act Form 'A' (Vide Rule 5(iii)) Whereas the forest land or the waste land specified in the schedule appended hereto are the properties of the Government or the Government has proprietary rights therein or the Government, is entitled to the whole or any part of the forest produce thereof; And whereas the Government proposes to constitute the aforesaid forest land or waste land as Reserve Forest under section 3 of the Indian Forest Act, 1927. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said act, the Lieut. Governor (Administrator) hereby declares that it has been decided to constitute said land as Reserved Forest and Further appoints the Forest Settlement Officer to inquire into the determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest produce and to deal with the same as provided in Chapter II of the said Act. The Schedule Note: - The description of the boundary under section 4(1) should be such that it can be located on ground with reasonable accuracy. It shall be sufficient to describe the limits of the forests by roads, rivers and ridges or other well-known or readily intelligible boundaries)

Sl. No.	Name of the	Name of the Tehsil	Name of the District	Boundaries	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
By order of the Lt. Governor, Secretary (Forests) to H P Government.Vide Rule 8(a)(i)Khasra Bandobast					
Name of Village		Tehsil	District		
Khasra Number	Area	soil-class.	Name of owner or tenant if any	Remarks	
(1)	(2)	(3)	(4)	(5)	
Form 'C'(Vide Rule 8(a) (ii)General Statement Regarding Forest (name & number).					

1. No. of the forest.

2. Name of the Forest.

3. Name of the Range.

4. Name of Tehsil.

5. Name of the District.

6. Area of the Forest.

7. Number and date of the Rajpatra wherein published.

8. Description of Demarcation line and number of pillars fixed on the spot and running line.

9. Neighbouring villages.

10. Area of respective villages included in the Forest.

11. Total of the village-wise area.

12. Area outside the forest in particular village left out for free grazing.

13. What is the practice for taking particular type of timber and firewood.

14. The number of the cattle of the villages having sites in the Forest.

15. Any religious place inside the Forest.

Form 'D'(Vide Rule 8(a) (iii))List of ways and paths open to public throughout the year.

S. No.	Name of Forest	Name of ways or paths	Details of the ways or the paths	Remarks
(1)	(2)	(3)	(4)	(5)

Form 'E'(Vide Rule 8(a)(iv) Rule, (iii))List of Religious Places

S.No.	Name of Forest	Name of religious place	Details of religious place	Name of the route which	The Date of the Puja and Fair	Area left out for religious worship and otherrelated activity	Remarks
1	2	3	4	5	6	7	8

Form 'F'(Vide Rule 8(b), Rule 20(vi))Summary Report of the Forest Settlement

Officer.To.....Subject:-Final notifications under section 20. of the.....pertaining to Forest No.in Range.....District.....A preliminary notification for declaring the aforesaid Forest as reserved Forest under section 4 of the Indian Forest Act, was issued by the Himachal Pradesh Government vide Forest Department, Notification No.....Dated.....published in the Himachal Rajpatra datedUnder section 6 of the Act a proclamation in the adjoining villages of the Forest was issued for inviting objections within a period of one month.The Forest Settlement Officer heard the objection on the spot and decided the cases. The decisions on each files are appended.Period for filling objections is over and no appeal under section 17 of the Act is pending with the Appellate Authority.The final draft under section 20 of the Act alongwith a statement of Rights and concessions and a mop is enclosed for approval and publication in the Official Gazette.Signature of Forest Settlement OfficerForm 'G'(Vide Rule 8(d))Notifications(Under Section 20)Dated Simla, the December, 1962.No.....whereas it was proposed by Notification No.....Dated.....to constitute the land specified below as Reserved Forest under the Indian Forest Act (Act XVI of 1927).And whereas the period fixed by the said Act for the presentation of claims to rights in these lands has expired and all claims, if any made have been disposed of.And whereas the period for appeal from the orders passed the said claims has elapsed and all appeals presented within such period have been disposed of, and whereas all lands, if any acquired for inclusion in the proposed forest have become vested in the Government, under the law of compulsory acquisition.Now, therefore, in exercise of the powers conferred by section 20 of the said Act, the Lieut. Governor (Administrator) H.P. does hereby declare the said land to be Reserved Forest with effect from the date of this notification subject to the provision that the villages named hereinafter shall have no rights/continue to have the said rights to the extent appearing in the Abstract List and enjoy no concession/concessions to the extent appearing in the Abstract List (2) at such seasons within such portions of the said forests and under such rules as may from time to time be prescribed by the Government.By order of Lt. Governor, Secretary (Forest) to H.P. Government.

Distt.	Tehsil	Specification of Land Mauza	Approximate area	Remarks
(1)	(2)	(3)	(4)	(5)

Boundary description of Forest

S. No.	From Pillar No.	To Pillar No.	Distance in Chains & Links	Direction	Nature of boundary line to next pillar
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Chains

Links

(1) (2) (3) (4) (5) (6)

Note:- (1) Chain is equal to 5 Karams or 23 ft. 4 inches or of any other length as recognised by the Revenue Department. (2) Measurement herein is of measurement-on the ground. Form 'H' (Vide Rule 9(b)) Register 'A' Register of claims preferred to lands rights to forest produce or easements in the proposed reserved forests.

S. No.	names of claimants	Description & address of claimants	Date of presentation of claims	Nature and extent of claims prefer red	No. in Register 'B'	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Form 'H' (Vide Rule 9(b)) Register 'B' Register of claims to lands, rights to forest produces or easements in the proposed reserved forest.

SI. No.	Name of Claimants	Date of presentation of claims	No. of claims in register	Nature & extend of claims preferred	Brief summary of the evidence adduced in support of claims	Brief of summary of Div. Forest officers & evidence produced by him	Brief abstract of decision of the Forest Settlement officer	Brief abstract of decision if any, of final settlement officer	Remarks
1	2	3	4	5	6	7	8	9	10

Form 'T' (VIDE Rule 7) Forest Settlement Officer.....Khasra
Hadbast.....Block.....Range.....Forest
Division.....Tehsil.....District.....

SI. No.	Name of village adjoining the block	Number of survey Stm. with distance	Name of Pillar	Distance or Chanda Line from which Off-Set Taken	Off-Set	Distance from pillar to pillar	Remarks
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Right

Left

1 2 3 4 5 6 7 8 9

Form 'J' (Vide Rule 11(1)(c)) Office of the Forest Settlement Officer Notifications (Under section 6 of the.....Act) Whereas a notification under sectionto constitute the land specified below as Reserved Forest has been issued by the Government and published in the Official Gazette

No.....Dated.....Now under section 9 of the said Act 9 Forest Settlement Officer.....do hereby publish and explain the following consequences which ensure on the reservation of this Forest: -(1)No fresh clearing or breaking of land for cultivated or any other purpose will be conducted.(2)No fire will be kindled, kept or carried.(3)No felling or burning of a tree or removing of bark or any other kind of damage will be caused to the tree.(4)No trespass by any person or cattle will be done.(5)No quarrying of stone, burning of lime or charcoal or collecting subjecting to any manufacturing processor removing of any forest produce will be performed.(6)No hunting, shooting or fishing, poisoning of water or setting traps or share will be done.it is, therefore, notified for the information of all concerned that any person claiming any right in or over the land or forest produce may within a period of 3 months from the date of this proclamation either present to me a written notice or appear before and state the nature of such rights and the amount and particulars the compensation if any) claimed in respect thereof.No claim will be entertained after the expiry of the stipulated period.Signature of the Forest Settlement Officer.Form 'K'QkeZ

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1 2 3 4 5 6

mRrjiwoZnf{k.kif'peou Hkw&O;oLFkk vf/kdkjhAForm 'M'[Vide rule 21(1)]Whereas the nature and extent of the rights of the Government and of private persons in or over forest land and waste land comprised in the Schedule hereto appended have been enquired into and recorded under sub-section (3) of section 29 of Indian forest Act, 1927;Now therefore in exercise of the powers conferred by sub-section (1) of section 29 of the said Act, the Governor does hereby declare that the provisions of Chapter IV of the said Act shall apply to the said forest land waste land which shall hereafter be called a protected forest.By order of the Governor, Secretary (Forest) to H.P.

Government.A Form 'N'Vide rule *(1)Summary Report of Collector

ForestTo.....Subject-Final

notification Section 29(1) of Indian Forest Act, 1927 pertaining to Forest.....in

Range.....Division.....District..The Himachal Pradesh Government intends to declare the provision of Chapter IV of Indian Forest Act, applicable to the aforesaid Forest Section 29(1) of the said Act.Proclamation was issued inviting claims and objections within a period of 30 days.The Collector Forest has enquired into and recorded the nature and extent of rights of Government and of private persons in or over the forest land and waste land comprised therein.The final draft notification under Section 29(1) of the Act along with copy of the decision of the file and a statement of the rights and concession is enclosed for approval and publication in the official Gazette.Sd/-Forest Settlement Officer