

Rajasthan Forest (Settlement) Rules, 1958

Published vide Notification No. F. 23(135) Rev. A/58, dated 18.8.1958 (Published in Rajasthan Gazette, Part 4-C, dated 11.9.1958).

In exercise of the powers conferred by Section 26A and 76 of the Rajasthan Forest Act, 1953 (Rajasthan Act No. XIII of 1953), the State Government hereby makes the following rules, namely: -

Part I **Preliminary**

- 1. Short title and repeal.** - (1) These rules may be called the Rajasthan Forest (Settlement) Rules, 1958.
(2) All rules corresponding to or covered by those rules shall stand repealed.
- 2. Definition.** - In these rules, unless the context requires otherwise: -
 - (1) "Act" means the Rajasthan Forest Act, 1953;
 - (2) 'Form" means a form appended to these rules; and
 - (3)¹ [Deleted]
- 3.**² [Deleted]
- 4.**³ [Deleted]

Part II **Demarcation & Survey**

- 5. Proposals for action under Section 4 of the Act and Form of Notification.** - (i) Before proposals for declaring certain areas as Reserved, Village or Protected Forest, under Section 4, 28, 29 and 30 of the Act are submitted to Government, it will be the primary duty of the territorial Conservators to consult the Divisional Revenue Commissioners and the Collectors concerned with regard to advisability of taking such areas under the Forest Department management.

(ii) Notification under Section 4 shall be in the Form 'A'.

1. Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)
2. Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)
3. Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)

6. Preliminary Demarcation. - (i) After a notification under Section 4 or 29 is issued the area should be demarcated by cutting a boundary line and fixing temporary cairns or pillars or such other marks as may be convenient. Such cairns, pillars or any other marks should be visible from one to 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. The width of the boundary line should be at least ten feet.

(iii) The Forest Boundary pillars will mark the actual limits of the reserve and should be placed on the outer edge of the cleared boundary line. Boundary pillars should preferably be stone monoliths 5"X5" cross-section. Where stone monoliths cannot be obtained, the boundary pillars must be of pucca stone masonry.

(iv) The demarcation of forests will be carried out by the Forest Department under the supervision of an official not below the rank of a Dy. Ranger by cutting a boundary line and raising cairns. These will be maintained properly till the preliminary inquiry is complete and the cairns are replaced by monoliths. The fixing of monoliths will be done under the strict supervision of the Forest Settlement Officer. He will obtain a receipt of the boundary mark so finally approved and then it will be the duty of the Forest Department to look after and maintain them properly.

The following specifications are prescribed: -

(a) Outer Boundary Pillars: -

Stone Monoliths. - The overall length should be 3½ ft. to 4 ft. in length, 18" should be underground and 2'2½ above ground. The cross-section should be 5"x5" or 5"x6". They should be serially numbered. The numbers should preferably be engraved and painted over with black Japan on a white enamel paint background. The top 9" will be painted with red enamel. The next 9" will be painted with white enamel paint.

The faces on which the numbers are engraved or stencilled will be 2" below the top and will be 4" broad and 4" long. The length of the numbers engraved or stencilled will be 2" and before they are engraved or stencilled the faces should be dressed smooth. On the top of the pillars the letters 'FD' should be written, preferably engraved. The length of letters engraved should be 2½". The faces will be painted with white enamel numbers and letters engraved will be painted over with black Japan.

In fixing the pillars it should be seen that the letters 'F.D.' face the outer boundary. Each pillar will be painted with red and white paint.

(b) Inner Boundary Pillars. - The overall length should be 3', 18" being underground. The cross section should be 2" X 5". They should be serially numbered, the numbers being preferably engraved and the figures painted over with black Japan on a white enamel paint background.

Outer Boundary Pillars (masonry). - The overall height above ground should be 2", 9". The top 9" of the pillar should be a pyramid. The sides should be 18" square with a stone engraved number plate, painted over with black Japan on a white enamel background. The pillar must be white.

Inner Boundary Pillars (masonry). - The overall height above ground should be 1", 9". The top should a pyramid. The cross section above ground should be 12" square. The serial number plate should of the same type as the boundary pillars. The pillars must be clearly visible from the one to the other.

All pillars should bear a number. The numbering of the pillars should be clockwise. When a stream or ravine is selected as a boundary, the outer bank should as a rule be taken as the boundary.

7. Records to be prepared. - (a) The following records will be prepared for every block: -

- (i) Village wise Khasra of the block as given in Form 'B'.
- (ii) A general statement as given in Form 'C'.
- (iii) A list of ways and paths open to public, throughout the year vide Form 'D'.
- (iv) A list of temples ¹[Gurdwaras, Mosques and Churches] open to public for worship vide Form 'E'.
- (v) A list of Fruit Trees belonging to private person vide Form 'F'.
- (vi) A list of villages situated in the forest block vide Form 'G'.

(b) All these papers will be signed by the Forest Settlement Officer. The Forest Settlement Officer who will finalise the inquiry and in case of Reserved Forest blocks submit a draft for final notification as required under Section 20 of the Act. The summary report will be drawn in the Form 'I'.

(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 along with a list of Khasra numbers included in the Reserved or Protected Forests and the statement of rights and concessions admitted therein to the Divisional Forest Officer and the 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 Collector concerned.

(d) The final notification shall be in the Form 'J'.

Case Work

8. (a) Files. - These will be a general file for every block and separate file for each village and for claims filed by person in individual capacity.

General Block File will contain the following papers: -

- (i) The title page.
- (ii) Order sheet.

1.Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)

- (iii) A copy of the Government Notification under Section 4 or 29 of the Rajasthan Forest Act.
- (iv) The boundary description prepared.
- (v) The letter of authority from the Divisional Forest Office.
- (vi) A copy of the Proclamation under Section 6.
- (vii) A consolidated sketch map of the block.
- (viii) A consolidate village wise Khasra of Block.
- (ix) A list of ways and paths opened to the public.
- (x) A list of temples.
- (xi) A list of Fruit trees belonging to private persons.
- (xii) A list of villages situated in the block.
- (xiii) A list of boundary pillars.
- (xiv) Acknowledgement from the Range Officer that alterations made in the preliminary boundary has been explained to him.
- (xv) A summary of proceedings giving the gist of claims preferred and admitted and rejected.
- (xvi) A copy of the Draft Final Notification alongwith Boundary Description and Schedule of concessions and rights admitted.

The village file will contain the following papers: -

- (i) Title page.
- (ii) Copy of proclamation duly served.
- (iii) Plaint 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 maintained in the prescribed Form as shown in the Form 'H'.

9. Procedure for Drafting Final Notifications under Section 20 of the Act. - (a) When all the claims preferred by the villagers have been enquired 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: -

- (1) Where no claims (neither rights nor concessions) have been admitted.
- (2) Where claims (rights) have been admitted.
- (3) Where concessions only have been admitted.
- (4) Where both rights and concessions have been admitted.

(b) These drafts will be accompanied by the abstract lists of rights and concessions as per proforma attached to the Form 'J'.

(c) The boundary description should be given in one of the following two Forms.

Description Form: - From Pillar No. 1 situated on a spur by straight line from pillar No. 38 on the bank of a nala. Thence along the western sides of the nala to pillar No. 39 on a ride etc. bank to pillar No. 1.

Tabular Form: -

Pillar No. 1 to Pillar No. 2 : 10 Chains 70 links in westward or northeasterly direction

Pillar No. 2 to Pillar No. 3 : — do —

Note. - If lengths are measured in chains and links the length of the chain and the link must be specified in feet or metre. Chains mean a chain of 66'/165' length. The measurements of length indicate measurement along the surface of the ground.

Part III

10. Survey. - The demarcation of Forest Boundaries will be surveyed on Patwar maps. As far as possible old system of surveying boundary lines by plane tables will not be restarted. Only where the boundary lines cannot easily be identified on Patwari village maps, such survey may be carried out. For this purpose, the Forest Settlement Officer will arrange to get the traces of the latest settlement of the village adjoining Forest Blocks on Tracing cloth from the original survey sheets and proceed with the work by taking compact ranges. The target of survey is fixed with 25 sq. miles per Ameen for the field season.

The Ameen will first proceed to the village in North West of the Forest Block and start work with the help of neighbouring 'Mustkil' points viz, wells, boundary pillars, Mustkil, Maths and survey the former Boundary by preparing the field book. He will plot the day's work every day and the Inspector 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, Village Mukhia and the Forest Guard will also remain with the Ameen. The Inspector will not ink the line of dispute. ¹[He will inform the Forest Settlement Officer of the Circle who will visit the spot and issue final orders. Thereafter the disputed line will be inked.] The pukhta work will be done during the office season.

After completion of the survey operation the Ameen will prepare the Sarhadi Register of the block as per Form 'K' which will also be checked by the Inspector, ²[xxx] the Forest Settlement Officer at the time of their respective inspections of the block.

Part IV

Investigation of Claims

11. Data to be collected by Forest Settlement Officer. –

(a) 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 block illustrating the demarcation line;
- (b) a description of the boundary.

(b) **Proclamation by 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 'L' specifying the situation and limits of the proposed Reserve as published in the Official Gazette, explaining the consequences which will ensue on the reservation of the forest and requiring all persons claiming any right 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 of 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 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 headman of the village adjoining the block 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 should explain its meaning at every convenient opportunity to the villagers concerned.

1. Substituted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)

2. Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)

(c) Enquiry by the Forest Settlement Officer. - (1) As soon as practicable after the issue of proclamation, the Forest Settlement Officer should visit the villages in the neighbourhood of the proposed Reserve. He should inspect as much as possible of it and afford the people likely to be affected by the proposed reservation, full opportunity for putting forward their claims on the spot.

(2) The Forest-Settlement Officer is bound by law to take down in 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 Government and the evidence of the persons likely to be acquainted with the same and to deal with such practices as if the claims thereto had been formerly preferred under Section 6. The inquiry should consequently not be confined to merely recording evidence produced by claimants or by the Forest Officer. The Settlement Officer should himself call for and examine any person whom he may think likely to have knowledge of the facts. The Forest Settlement Officer is responsible for seeing that every claim which he admits is absolutely clear and definite.

(3) Under Section 8, the Forest Settlement Officer has the power of a civil court in the trial of suits for which he can summon witnesses and require the production of documents, etc. It is duty to ascertain the facts and he is bound to enquire, not only into claims put forward but also into the existence of any right or practice, though no formal claim may have been presented under Section 6 of the Act. In short, it is the business of the Forest Settlement Officer to ascertain, by full and carefully inquiry, the actual state of things, the manner in which the reservation, if carried out, will affect the people in the neighbourhood, the rights to which they are already legally entitled, and the concessions which it is desirable for the Government to extend to them in future. It must be here, however clearly understood that as Forest Settlement Officer framing a record of legally established rights, he has no power to confer by entry in the record any rights which have not been satisfactorily established as existent merely-because he thinks it expedient to grant them. But, on the other hand, he is bound to express fully, in reporting his operations to the Government his opinion an advice as to any practices which, though not satisfactorily proved to be existing rights, he may think it advisable to sanction as of rights or as merely terminable concessions in the interests of people. The record of the Forest Settlement Officer must thus deal with legally established rights only. He must leave it to the Government to decide later or what additional burdens, in the shape of non-established rights or mere terminable concessions, it is desirable to impose on the forest in the interest of the people.

(4) When claimants appear in person and make verbal statements of their claims the Forest Settlement Officer shall record the substance of the statement. Written statements must be stamped in accordance with the Court Fees Act.

- (5) Copies of evidence of documents filed and on the decisions recorded by the Forest Settlement Officer may be granted to claimants under the Rules. Such copies must be stamped under the Court Fees Act.
- (6) Claims on behalf of a family may be presented by any member of that family; on behalf of a tribe or community by any member of the tribe or community on behalf of joint claimants by any one of the joint claimants and on behalf of a village by the Headman of the village. Otherwise all claimants must arrange to represent themselves.
- (7) The Forest Settlement Officer may, at any time, join any number of claims, provided they all relate to the same proposed reserved, in order to hold a common inquiry, or he may serve any claims joint or jointly made in order to hold separate inquiries at his discretion. It shall not be necessary to take a second time evidence already recorded in an inquiry relating to another claim. But if, in deciding upon the claim of any person, the Forest Settlement Officer shall admit previously recorded evidence or shall recite a previous decision in disposing of a case, the person whose claim is thus treated shall be entitled to obtain a copy of such previous evidence, documents or decision, as if it had been recorded during the inquiry into his own claim.
- (8) Claimants may employ a legal practitioner or other person to appear on their behalf. In such case the Forest Settlement Officer will require the production of the usual stamped authority.
- (9) The Forest Settlement Officer shall examine claimants and witnesses upon oath or solemn affirmation. Process fees according to the scale laid down for Courts of Assistant Collectors of the 1st class shall be required from claimants (but not from the Forest Officer attending the inquiry) if application is made to compel the attendance of witnesses or the production of documents.
- (10) The Forest Officer attending the inquiry shall have powers 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 Grant.
- (11) 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 Officer 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. ¹[xxx]
- (12) The views of the Collector or Commissioner in cases regarding land (the claims to which are being investigated under Section 11 of the Act) or of the Conservator or 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.

1. Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)

Such written note shall be read aloud and shall form part of the record and shall be explained to the claimant in their vernacular language if they do not understand English.

- (13) The Forest Settlement Officer shall keep a diary of his proceeding from day to day, which should be clearly written up and should be initialed by him.
- (14) (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 for adoption 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 a fair signed copy thereof) must, upon the completion of the operations be forwarded to the Government through the Chief Conservator of Forests, Conservator of Forest, Planning and Demarcation and the Territorial Conservators, 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 'J' (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, of 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 latter '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 30 of the Act.
- (c) When a claim comes partly under Section 11 and partly under Section 12 of the Act, the Forest Settlement Officer will separate those parts of it which fall under Section 11 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 record. A brief abstract of each appellate judgment 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 judgment.
- (15) When the Forest Settlement Officer has admitted a claim, the Forest Officer attending the inquiry of failing such, the Divisional Forest Officer will state which among the courses provided in Sections 10(1), 11, 15, 16, of the Act, it is desirable to follow, and may apply for an adjournment to enable him to take advice of 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.
- (16) The grant under Sections 10(1), 11, 15, 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, require the Commissioner's approval. The grant of reserved forest or rights over it requires the sanction of the local Government.
- (17) 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 in 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

12. Determination of Right and Concession. - Rights are those claims which are supported by documentary evidence such as Sanad, Patta or Government record. The rest will be treated as concession. Concessions are terminable as and when found 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 be ownership of the land itself or some part of it. If the claim should affect the whole of the proposed forest or greater part of it, it would follow that the proposal to create forest estate 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 is some special case in which the Forest is on public ground, so desirable, the Government will be justified in declaring public utility & proceeding to acquire the estate under the Land Acquisition Act.

In such cases 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 Charagaha 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 Division Forest Officer makes a move that it would be in the interest of Forest Conservation to do so; or
- (2) will be exchanged for some other suitable piece of land for this purpose concurrence of the Commissioner of the Division will be necessary, or
- (3) exclude it from the forest boundary, if this can conveniently be done, or
- (4) let alone in such a case the plot or plots which 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 squatting with no equitable title, the claim would be disallowed. It will however, sometimes happen that a plot has been cleared or appropriated without regular authority, but still circumstances are such as to justify some leniency; here probably the unauthorised holder who has been continuously in cultivating possession for more than three years on the date of inquiry his case should be treated as if it was a claim of tenancy right provided it does not interfere with the principles of Forest Conservation, otherwise a solatum may be granted.

A claim 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 a water course (canal cut or drain channel) across the land, a right to have access to or use of; water such as a spring for household purpose or cattle watering or for worship at a temple and to hold Mela within the forest limit.

As these are mostly, 'Necessary Rights' therefore, the 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 watercourse or drainage, particulars (in case of a canal or ditch) such as regards access for purpose of clearing, or deposit of the slit 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 of water where a spring or pool in the forest is main place which neighbouring cattle can get water at, or at which household of 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 of right of worship and right of 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.

A right in the nature of easement or otherwise which involves taking some produce or part of the estate e.g., - to dig clay, lime stone, to cut truf or sods, to burn lime or charcoal, or boil catechu to cut grass, to pasture cattle, cut wood; and in fact, every class of the well-known forest rights or easements.

There may be the following form of taking forest produce: -

1. Rights to Woods. - (i) For building and cattle shed

- (ii) For industry and agricultural purposes.
- (iii) For fuel. (Brush-wood, billet wood, dead-wood, Torches).
- (iv) For fencing.

(i) Wood for building and cattle-shed - 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 as well. The quantity cannot always be prescribed but sometimes a periodical cutting of so many stumps (of certain size) can be defined. If the intervals at which wood can be demanded are to be fixed, it will be with reference to the number of years each kind of building will ordinarily last. As far as possible, the extend be determined in consultation with the right holder, and the Forest Officer of the area. The table given a Form 'P' may be useful as a rough guide.

(ii) For industrial and Agriculture purpose. - In Rajasthan, the right to wood for industrial purposes hardly exists. For agriculture purposes wood from forest is generally extracted either as a matter of right or as concession and in all such cases, it will be found that there are customary kinds and sizes of wood used for the particular purposes and can easily be prescribed to the satisfaction of all parties. The extent in term of cubic feet of wood required for agricultural purposes, can be determined on the basis of number of ploughs with the help of a rough table given in Form 'P' showing the requirement per plough-holder. A complete plough requires 1.5 to 2 eft. and so far other implements of agricultural are concerned, the list given in the Form 'P' may be taken as a rough guide. These concessions should not exceed the limit of ploughs per family as prescribed in the G.O. No. F. 34(44) Rev./53 dated 24.11.55.

(iii) For Fuel. - Definition (beyond general instructions as to kind) is not easy, but it may be possible to specify the number of bundles or head loads to be taken per mensem. It would be possible to ascertain some limit because the right is for firing of certain number of hearths, ovens, and cooking place belonging to the houses to be supplied. As, whoever, it cannot be sold, the Right-holder rarely cares to take money than he really wants of the dead-wood and small stuff which is his habitual consumption.

The fuel is claimed either by the people of village situated near the edges of the forest or of small villages consisting of a couple or more hamlets deep in the forest. The former type has considerable area of land outside forest limits and can meet part of their fuel requirement from the areas not included in the forests. In such cases on average of about 8 head loads weighing 20 to 30 srs.each per month per house should suffice. On a broad scale half a seer per head per day. of fuel may be admitted. While villages which are located deep in the forest extract roughly double the said quantity should be allowed because the fuel is easily available in abundance and also because they have no lands other than forest from where to get fuel wood.

No green wood is to be cut fuel for but only dry wood in headloads may be allowed to be taken away free for bonafide domestic consumption. In rare cases such as here certain hill tribes, e.g., Bhils and Minas etc., who have no other means of livelihood except the sale of firewood in headloads in the neighbouring localities it would be necessary to fix a limit to the number of headloads that may be removed per mensem, which may be fixed at 15 to 20 head-weighing 20 seers each per individual for all the year round except the rainy season.

(iv) Fencing. - Thorny bushes and twings, such as of 'Dhokra' and Dansren' are taken for fencing cattle sheds by cultivators.

Roughly 5 head loads a year may be allowed for cattle shed of an average size holding 10 cattle heads. It is not easy to determine the requirements for fencing cultivation. At a rough calculation 1 cart load per bigha of holding may be permitted every alternate year.

2. Rights of Pasture or Grazing. - This right may be of two kinds. — (1) Right of the adjoining villages of local right holder and (2) those of migratory herds. The latter type of right is seldom existent in Rajasthan. Grazing facilities are allowed mainly for bulls, oxen, cows and buffaloes. There is no direct prohibition of the grazing of goats, sheeps and camels, but since these are destructive to the forests, 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 desert areas or where the stocking of forest is very poor, the unit will be 15 acres per cow. The latest cattle Census figures may be taken as the basis of determining the maximum number. The reason open to grazing may also be specified.

While admitting the cattle for grazing, the Forest Settlement Officer will be kept in view the scale and note his opinion whether the forest can stand the burden and give his suggestion.

3. Right of Grass Cutting - This right is not recognized for the purpose of stocking 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 heads-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 from March to July should be specifically mentioned as closed to grass cutting.

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 tree and the places where it can be exercised should be defined. This should be permitted only if it has been a long standing practice, Lopping is generally for (1) milch buffalo e.g. cheela leaves or Dhokra (2) young ones of goats and sheep who cannot go out for grazing. As to the former one head-load of cheela or Dhokra leaves for one milch buffalo and for the latter one head-load for Dhokra for a herd of fifty heads may form the basis for determining the quantity per day.

At places where cheela leaves 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.

5. 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, limestone pabbles and concrete etc.

The produce will be removed on head-loads only to the extent permitted for their personal bonafide requirements and for petty sale.

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 by the Government.

13. Guiding Principle. - All these rights and concessions are subject to the condition that forests are to be maintained. The right of user or easement is always 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.

14. 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.

Part VI

15. Protected Forests. - (1) So far as the inquiry into the rights of the people is concerned there is no much difference between a Reserved and Protected Forest. Usually all those forests which are very heavily burdened with rights are constituted as Protected Forests and concessions are granted in a more liberal scale.

(2) The Constitution of Protected Forests in Rajasthan is, however, a matter of expediency only.

(3) After the notification under Sections 29-30 which shall be in the Form 'M' is published, the procedure prescribed in the said notification and where procedure has not been prescribed in the notification, the procedure as given in Chapter II (Up to Section 19) of the Act will be followed.

(4) A proclamation which will be issued by the Forest Settlement Officer for inviting objections is given in the Form 'N'.

When the inquiry is complete the inquiry officer shall forward the following papers to the Chief Conservator of Forests through the Conservator of Forests, Planning & Demarcation and Territorial Conservator: -

- (i) Summary report of the proceedings.
- (ii) Abstract of rights and concessions.
- (iii) Sketch map and boundary description.
- (iv) On receipt of the above papers the Chief Conservator of Forests will submit the same to the Government. The Notification to be issued by the Government under sub-Section (1) of Section 29 of the Act shall be in the Form 'O'.

Part VII

16. Miscellaneous. - The Divisional Forest Officer/Range Officers 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 his area under Section 19 of the Rajasthan Forest Act.

Form 'A'

[Vide Rule 5(ii)]

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 Forest Act, 1953;

Now, therefore, in the exercise of the powers conferred by sub-Section (1) of Section 4 of the said Act, the Government hereby declares that it has been decided to constitute the said land as Reserve Forest & further appoints ¹[(Designation) as the Forest Settlement Officer] to enquire into and 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 over any forest produce and to deal with the same as provided in Chapter II of the said Act.

Schedule

Note: - The description of the boundary under Section 4(1)(b) 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.)

S.No.	Name of the Block	Name of the Tehsil	Name of the Distt.	Boundaries	Remarks
1	2	3	4	5	6

Form 'B'

[Vide Rule 7(a)(i)]

KhasraBandobast

Name of Village		Tehsil	District Name of khatedar or sub-tenant	St. Remarks
Khasra Number	Area	Soil class		
1	2	3	4	5

1. Substituted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 ((Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)

Form 'C'
[Vide Rule 7 (a)(ii)]
General Statement Regarding Block

1. No. of the case.
2. Name of the block.
3. Name of the tehsil.
4. Name of the district.
5. Name of range.
6. Area of the block.
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 block.
11. Khatedari area in the block.
12. Total of the village-wise area.
13. Area outside the block in particular village left out free grazing.
14. What is the practice for taking particular type of timber and firewood?
15. The number of the cattle of the block villages.
16. Any religious place side the Block.

Form 'D'
[Vide Rule 7(a)(iii)]
List of ways and paths open to public throughout the year

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

Form 'E'
 [Vide Rule 7(a)(iv)]
List of Religious Places

S. No.	Name of Block	Name of religious place	Details of religious place	Name of the route which lead to religious place	The date of the puja and fair, if any	Area left out for religious worship and other related activity	Remarks
1	2	3	4	5	6	7	8

Form 'F'
 [Vide Rule 7(a)69]
List of fruit trees belong to private persons

S. No.	Name of the block and tehsil	Class of fruit tree	The Name of the owner with parentage and residence	Quantity	Details of rights			Remarks
					Fruits	Flower	Timber	
1	2	3	4	5	6	7	8	9

Form 'G'
 [Vide Rule 7(a)(vi)]
List of Forest Abadis

Name of the Block	Name of the habitation	The name of the headman of each family of the habitation	Number of houses admitted	Name of the cattle including goats and admitted to free grazing	Remarks
1	2	3	4	5	6

Form 'H'
 [Vide Rule 8]
Register 'A'

Register of claims preferred to lands, rights to forest or easements in the proposed reserved forest

S. No.	Name of claimants	Description and address of claimants	Date of presentation of claims	Nature of extent of claims preferred	No. in register 'B'	Remarks
1	2	3	4	5	6	7

Form H
 [Vide Rule 8]
Register 'B'

Register of claims to lands, rights to forest produce or easements in the proposed reserved forest

S. No.	Name of claimants	Date of presentation of claims	No. of claim in Register 'A'	Nature and extent of claims preferred	Brief summary of the evidence adduced in support of claims	Brief summary of the Div. Forest Officer's arguments and evidence produced by him	Brief abstract of decision of the Forest Settlement Officer	Brief abstract of decision, if any, of Court of final appeal Settlement	Remarks
1	2	3	4	5	6	7	8	9	10

Form 'I'
[Vide Rule 7(b)]
Summary Report of the Forest Settlement Officer

To

.....
.....
.....

Subject: — Final notification under Section 20 of the Rajasthan Forest Act pertaining to Block No..... in Range..... District.....

A preliminary notification for declaring the aforesaid Block as Reserved Forest under Section 4 of the Rajasthan Forest Act (Act No. XIII of 1953) was issued by the Rajasthan Government in Revenue Department *vide* Notification No.....dated..... published in the Rajasthan Rajpatra dated.....

Under Section 6 of the Act a proclamation in the adjoining villages of the block was issued for inviting objections within a period of three months.

The Forest Settlement Officer heard the objections on the spot and decided the cases. The decisions on each file are appended.

Period for filing 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 map is enclosed for approval and publication in the Official Gazette.

Signature of Forest Settlement Officer

Form 'J'
[Vide Rule 7(d)]
Notification
(Under Section 20)
Dated Jaipur, the May, 1958

No...../- Whereas it was proposed by Notification.....dated..... to constitute the land specified below as Reserved Forest under the Rajasthan Forest Act (Act XIII of 1953);

And whereas the period fixed by the said Act for the presentation of claimed 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 on the said claims has elapsed and all appeals presented without 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 said Act, the State Government does hereby declare the said level to the Reserved Forest with effect from the day of subject to the provision that the villages named herein after shall have no right/continue to have the said rights to the extent appearing in the Abstract List (1) and enjoy no concession/concessions to the extent appearing in the Abstract List

(2) at such seasons within such portions of the said forest and under such rules as may from time to time be prescribed by the State Government.

By Order of the Governor
Secretary to the Government

Specification of Government					
District	Tehsil	Patti	Mauza	Approximate Area	Remarks
1	2	3	4	5	6

Boundary description of block

[Vide Rule 9C]

S. No.	From Pillar No.	To Pillar No.	Distance <u>in Chains</u> & links Chins Links	Direction	Nature of Boundary line to next pillar
1	2	3	4	5	6

Note: — (1) Chain is equal to 66 ft. of 100 links.

(2) Measurement herein is of measurement on the ground.

[Vide Rule 9(b)]

The abstract list (1) of right inBlockRangeTehsilDistrict

Number or names of forest block in the open portion of which these rights can be exercised	Name of Patti	Name of Village having rights	Number of Houses	Population	Number of families	Number of ploughs	Number of cattle admitted to free grazing	Timber for building in eft. in the log per annum	
								Dwelling Houses	Cattle sheds (Misc. wood)
1	2	3	3a	3b	3c	3d	4	5a	5b

Description of Rights

Wood for agricultural implements (cubic ft. in the log per annum)	Firewood from falien wood (in headloads per annum)	Charcoal for Blacks miths (in head loads per annum)	Miscellaneous underwood	Fooder Grass	Fodder Grass for sale	Grass for thatching	Babar	Green leaves for fodder	Dry leaves
6	7	8	9	10	11	12	13	14	15

Description of Rights

Fruit and roots	Bark of creepers	Bamboos (in scores per annum)	Stones for Buildings	States	Lime stone	Irrigation channels	Water for mills	Fishing	Burning Ghats	Remarks
16	17	18	19	20	21	22	23	24	25	26

[Vide Rule 9(b)]

The abstract list (2) of concessions inBlockRangeTehsil
.....District

Concessions are liable to withdrawn by the State Govt. at any time.

Number or names of forest block in the open portion of which these concessions can be exercised	Name of Patti	Name of Village having concessions	Number of Houses	Population	Number of families	Number of ploughs	Number of cattle admitted to free grazing	Timber for building in eft. in the log per annum	
								Dwelling Houses	Cattle sheds (Misc. wood)
1	2	3	3a	3b	3c	3d	4	5a	5b

Description of Rights

Wood for agricultural implements (cubic ft. in the log per annum)	Firewood from falien wood (in headloads per annum)	Charcoal for Blacks miths (in head loads per annum)	Miscellaneous underwood	Fooder Grass	Fodder Grass for sale	Grass for thatching	Babar	Green leaves for fodder	Dry leaves
6	7	8	9	10	11	12	13	14	15

Description of Rights

Fruit and roots	Bark of creepers	Bamboos (in scores per annum)	Stones for Buildings	States	Lime stone	Irrigation channels	Water for mills	Fishing	Burning Ghats	Remarks
16	17	18	19	20	21	22	23	24	25	26

Form 'K'

[Vide Rule 10]

Khasra..... Block Range..... Forest Division..... Tehsil..... District

S. No.	Name of village adjoining the block	Number of survey station with distance	Name of the pillar	Distance of ChandaLine from which Off-set taken	Off-set		Distance from pillar to pillar	Remarks
					Right	Left		
1	2	3	4	5	6	7	8	9

Form 'L'

[Vide Rule 11]

Office of The Forest Settlement Officer-Proclamation*(Under Section 6 of the Rajasthan Forest Act)*

Whereas a notification under Section 4 of the Rajasthan Forest Act, 1953 to constitute the land specified below as Reserved Forest has been issued by the Government and published in the Official Gazette No..... date..... No. under Section 6 of the said Act, Forest Settlement Officer..... do hereby publish and explain the following consequences which will ensue on the reservation of this Forest: -

- (1) No fresh clearing or breaking of land for cultivation or any other purpose will be conducted.
- (2) No fire will be kindled, kept or carried.
- (3) No trespass by any person or cattle will be done.
- (4) No felling or burning of a tree or removing of bark of any other kind of damage will be caused to the trees.
- (5) No quarrying of stone, burning of lime or charcoal or collecting subjecting to any manufacturing process or removing of any forest produce will be performed.
- (6). No hunting, shooting or fishing, poisoning of water or setting traps or snares 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 paper before me and state the nature of such rights and the amount and particulars of the compensation (if any) claimed in respect thereof.

No claim Nvi 11 be entertained after the expiry of the stipulated period.

Signature of the Forest Settlement Officer

Form 'M'

[Vide Rule No. 15 (iii)]

Whereas the forest land and waste land shown in the First 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 declare the aforesaid forest land and waste land as Protected Forest under sub-Section (1) of Section 29 of the Rajasthan Forest Act, 1953;

And whereas the nature and extent of rights of Government and of private persons in or over the aforesaid land have not yet been recorded in any manner,

And whereas the Government further thinks that an inquiry into and record of the nature and extent of the rights of the Government and the private persons in or over the aforesaid forest land or waste land are necessary but they will occupy such length of time as in the meantime to endanger the rights of the Government;

Now therefore, in exercise, of the powers conferred by sub-Section (3) of Section 29 of the Rajasthan Forest Act, 1953 (Act No. 13 of 1953), the Government does hereby appoint the Forest Settlement Officer ¹[xxx] to inquire into and record the rights of the Government and of private person in or over the aforesaid forest land or waste land and such inquiry and record shall be made in the manner as far as practicable, provided in Sections 6, 7, 8, 10, ²[11], 12, 13, 14, 17, 18 and 19 of the said Act;

And in further pursuance of the powers conferred by proviso to sub-Section (3) of Section 29 of the said Act, the Government of Rajasthan, pending aforesaid inquiry and record, does hereby declare the said forest land and waste land to be a protected forest but not so as to abridge or affect any existing rights of individuals or communities:

And in further pursuance of the powers conferred by Section 30 thereof the Government further declares that the trees shown in the Second Schedule appended hereunder, in the said protected forest are reserved with effect from the date of publication of this notification in the Gazette and prohibits from the aforesaid date the quarrying of stone or burning of lime or charcoal or the collection or subjection to any manufacturing process, or removal of, any forest produce in the said forests, and the breaking up or clearing for cultivation or for building, for herding cattle or for any other purpose, of any land in the said forest.

I Schedule (forest land and waste land)
II Schedule (trees reserved)

1. Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)
2. Substituted vide Notification No.F. (18) Forest/ 2002, G.S.R.95 dated 14.02.2003 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 20.02.2003)

Form 'N'

[Vide Rule 15(iv)]

Office of the Forest Settlement Officer Proclamation

As notification under Section 29 of the Rajasthan Forest Act, 1953 to constitute the land specified as protected forest has been issued by the Government and published in the Rajasthan Rajpatra No..... dated....and further in pursuance of the powers conferred by Section 30, the trees shown in the second schedule have been reserved and quarrying of stone, burning of lime or charcoal, removal of any forest produce, breaking up or clearing for cultivation or for buildings etc., have been prohibited but not so as to abridge or affect any existing rights of individuals or communities, I Forest Settlement Officer ¹[xxx] notify for the information of all concerned that any person claiming any right in or over the land or forest produce may within notice or appear before me and state the nature of such rights and the amount and particulars of 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 'O'

[Vide Rule 15(v)]

Whereas the nature and extent of rights of the Government and of private persons in or over the forest land and waste land comprised in the Schedule hereto appended have been inquired into and recorded in accordance with the notification No..... dated issued under sub-Section (3) of Section 29 of the Rajasthan Forest Act, 1953 (Rajasthan Act No. XIII of 1953). Now, therefore, in exercise of the powers conferred by sub-Section (1) of Section 29 of the said Act, the State Government does hereby declare that the provisions of Chapter IV of the said Act shall apply to the said forest land and waste land, which shall hereafter be called a Protected Forest.

By order of Governor
Deputy Secretary

District	Tehsil	Sub Division	Village	Khassra No./In Hactare)	Special Reference
1	2	3	4	5	6

1. Deleted vide Notification No.F. 5 (185) Forest/ 95, G.S.R.9 dated 18.12.1996 (Published in Raj. Gaz. by Extraordinary Part-4(C)(I) dated 26.12.96)

Form 'P'

[Vide Rule 28(1)]

The quantity of timber required for Agricultural purposes by the Cultivators

Name of items	Quantimber	Type of	Dimension		C.F.T.	Duration	Remarks
			Girth	Length			
1	2	3	4	5	6	7	8
Agricultural Implements							
1. Hal	1	Dhokra	2 ft.	4 ft.	1.00		Yearly
2. Kuli	1	"	2 ft.	5 ft.	1.25		yearly
3. Jura	1	"	2 ft.	4 ft.	1.00		
4. Oila	1	"	1 ft.	4 ft.	0.02		
5. Nai	1	"	2 ft.	4 ft.	1.00		
6. DandiKuli-Ki	2	"	1 ft.	10 ft.	0.06		
7. Nejna	1	"	6 ft	3 ft.	0.06		
8. Chau	1	"	6 ft	2 ft.	0.65		
9. Muslia	2	"	1½ ft.	6 ft.	0.84		
10. Gargari	1	"	1 ft.	2 ft.	0.12		
11. Degra	1	"	1 ft.	8 ft.	0.05		
			21½ ft.	52 ft.	6.06		
12. Pat	3	"	2 ft.	6 ft.	1.51		
13. Hal	3	"	2 ft.	10 ft.	2.51		
14. Bhon	2	"	2 ft.	2 ft.	0.75		
			6 ft.	18 ft.	4		
Forest Produce per family for 10 years							
15. Danda	200	Dhokra	8 ft.	8 ft.	73		
16. Mayal	2	"	2 ft.	12 ft.			
17. Balinda	3	"	2 ft.	25 ft.			
18. Balidiya	6	Small Dhokra	1 ft.	25 ft.			

	Tenth Year		13 ft.	70 ft.	73.00		
	Per year					7.00	approximate