RULES HAVING THE FORCE OF LAW AND EXECUTIVE ORDERS RELATING TO FORESTS

CHAPTER I

CONTROL, DUTIES AND RESPONSIBILITIES OF FOREST OFFICERS

1. Relation of Forest Officers to District Officers. (i) The Chief Forest Officer in each district shall be the assistant to the Deputy Commissioner of that district as regards forest matters, retaining at the same time his subordination to the Conservator of Forests, who is the head of department ; all operations in the unclassed State forests shall be placed under his control, as well as those in the reserved forests ; and all correspondence on general and administrative subjects connected with forest management between him and the conservator shall pass through the Deputy Commissioner.

(ii) For the present, Forest Officers will be appointed as follows :

The Officer-in-charge of the Garo Hills forests will be subordinate to the Deputy Commissioner of the Garo Hills.

His jurisdiction for forest administrative purposes will also extend to that portion of the Goalpara District which is situated on the south bank of the Brahmaputra and, so far as that area is concerned, he will be subordinate to the Deputy Commissioner, Goalpara.

The officer-in-charge of the Goalpara Forests will be subordinate to the Deputy Commissioner of Goalpara.

The officer-in-charge of the Kamrup Forests, the Jirang Forests on the northern skirts of the Khasi Hills District and Kurua forests to the south-west corner of the Darrang District will be subordinate to the Deputy Commissioners of Kamrup, the Khasi and Jaintia Hills and Darrang, respectively.

His jurisdiction for forest administrative purposes will also extend to the portion of the Monas river from the Bhutan boundary to a line joining the south-eastern corner of the Bijni reserve and the south-western corner of the North Kamrup Game Sanctuary and so far as that area is concerned, he will be subordinate to the Deputy Commissioner, Goalpara.

The officer-in-charge of the darrang forests will be subordinate to the Deputy Commissioner of Darrang.

The officer-in-charge of the Nowgong forests will be subordinate to the Deputy Commissioner of Nowgong.

His jurisdiction for forest administrative purposes will also extend to the western portion of the Sibsagar District, namely the area under Bakulia beat, the Duer Dekhani Mauza and the western half of the west Rengma Mauza and the northern portion of the North Cachar Hills ; and so far as those areas are concerned, he will be subordinate to the Deputy Commissioners, Sibsagar and Cachar respectively.

The officer-in-charge of the Sibsagar and Desai Valley forests will be subordinate to the Deputy Commissioners of Sibsagar and Naga Hills.

The officer-in-charge of the Lakhimpur forests will be subordinate to the Deputy Commissioner of Lakhimpur.

The officer-in-charge of the Cachar forests will be subordinate to the Deputy Commissioner of Cachar.

(iii) All orders will be conveyed from and references made to the Conservator of Forests on the following principles :

(a) all correspondence on subjects mentioned in the annexed schedule shall be carried on direct between the Conservator and the Divisional Forest Officer, and *vice versa* ;

(b) all correspondence on subjects not mentioned in the annexed schedule shall pass under flying docket addressed from the conservator through the district officer to the Divisional Forest Officer, and *vice versa.*

(iv) Ordinarily, the Deputy Commissioner, in the case of correspondence forwarded through him, will, after perusual, simply record his signature under the word "forwarded" in the flying docket. He may, however, when he deems it necessary, record his remarks on any communication addressed to the conservator by his departmental subordinates ; and he may return to the Conservator for reconsideration any communication addressed by the latter to the Forest Divisional Officer, communicating instructions or orders, recording the grounds on which he solicits such reconsideration.

(v) In the event of the Deputy Commissioner and the Conservator differing on any matter in connection with correspondence passing through the Deputy Commissioner's office, should the difference not be removed by mutual references, the point, which the correspondence out of which it arose, should be submitted to the Commissioner. Should the conservator in any case be dissatisfied with the Commissione'r decision, he may refer the case to the State Government.

(vi) Proposals of importance for the formation of new forests or affecting the use of forests and waste lands by the surrounding population shall be addressed by the Conservator, after he has consulted the district officers, to the Commissioner, for submission to Government.

(vii) The Conservator is to be the controlling authority in all matters of patronage in the subordinate branches, and in all matters of departmental discipline.

(viii) The responsibility of the Conservator will remain unimpaired. He should be kept regularly informed of all orders issued on forest matters within his circle by Deputy Commissioners, Commissioners and the Government ; he should be made acquainted with all correspondence which passes between Deputy Commissioners and Forest Officers, and, as a rule, he will be consulted on all forest matters which come before Government.

SCHEDULE

[*See* Rule (ii) (a)]

List of subjects in respect of which correspondence may be carried on direct between Conservator and Divisional Forest Officer

Subject on which direct correspondence with Conservator takes place. All subjects of a purely departmental or professional nature having no bearing on the surrounding population and Civil Administration, and with which the District Officer may *prima facie*, be supposed to have no concern, such as—

(1) Divisional accounts and subjects relating to the expenditure and receipts of the division.

(2) Subordinate forest depot and office establishments and subjects relating to the leave, pay, pensions, allowances, conduct, occupation, promotion, journeying, distribution, increase, decrease and transfers of the same.

(3) Valuation surveys, sowings and plantings, felling, extraction, conveyance, custody, deposit and disposal of forest produce and sylvicultural operations of all kinds.

(4) Departmental cattle (elephants, etc.), stores, tools and plant, office records, books and maps, stationery, printing exhibitions and specimens, statistics of all sorts, furniture, tents and camp equipage.

CHAPTER 2

ORDERS REGARDING FOREST SETTLEMENTS AND NOTIFICATION OF BOUNDARIES

All areas proposed for reservation should be inspected by the Deputy Commissioner of the district who should record his opinion as to whether there is *prima facie* case for reservation : Information under the following heads should ordinarily be given when any forest area is proposed to be reserved.

(1) Situation and area.
(2) Boundaries.
(3) Description of soil.
(4) Description of forest.
(5) Timber depots.
(6) Timber markets.
(7) Lines of export.
(8) List of villages or private lands within the proposed area.
(9) Right of surrounding population.
(10) Maps.
(11) Working plans.

Instructions for Forest Settlement Officers in Assam. Detailed instructions for Forest Settlment Officers in Assam will be found in the Provincial Government's Circular No. 14-R, dated the 20th March, 1897, which must be carefully studied and followed. They are produced below :

(i) The procedure to be observed in the constitution of reserved forests is prescribed in Chapter II of the Assam Forest Regulation, VII of 891. It is the duty of the Forest Settlement Officer to make himself thoroughly acquainted with the law contained in that Chapter. The following instructions are intended to indicate and draw attention to the leading points which concern a Forest Settlement Officer. They are not intended to relieve the Forest Settlement Officer in the duty of studying the Regulation itself.

(ii) **Sections 6 and 7.** After the publication of a notification under S. 5 of the Regulation, and the appointment of a Forest Settlement Officer, the first step to be taken by the Forest Settlement Officer is the publication of a proclamation specifying the situation and limits of the proposed forest setting forth the substance of S. 7 of the Regulation, which bars the accrual of forest rights in the proposed reserve from the date on which the proclamation is published, and prohibits building, the clearing of land for cultivation and the cutting of timber within the specified area except under certain conditions ; explaining the effects of the reservation of the forest ; and requiring persons claiming the right to cultivate by *jhuming* or any other right in or over the proposed reserve to specify by a fixed date, either in writing or verbally, the nature of their right or claims. A period of at least three months from the date of the publication of the proclamation must be allowed for the presentation of claims. In order to facilitate the preparation and publication of the proclamation required by S. 6 skeleton forms are sent to the Forert Settlement Officer. A copy of the form is appended to these Instructions. All that the Forest Settlement Officer has to do is to have the blanks in the forms filled in, to sign the proclamations, and to publish them. The proclamations should ordinarily be in Assamese or in Bengali, but if in any special case proclamations an any other language are required, they can be obtained on application to the Secretariat.

(iii) **Section 7.** It should be noted that the issue of the proclamation under S. 6 does not prevent the exercise of rights already enjoyed and in existence at the time of issue of proclamation, except rights of building, clearing land for ordinary cultivation, or cutting timber for the purpose of trade or manufacture. The rights thus excepted even though claimed by people living in or near the proposed reserve, must not be exercised except with the written permission of the Forest Settlement Officer. But any existing rights other than those specially, excepted may be exercised without such permission. For example, a person living in or near the proposed reserve may not, without written permission from the Forest Settlement Officer, build a new house or clear land for ordinary cultivation in the area specified in the proclamation. But he may if he has been in the habit of doing so, extract bamboos for domestic use and not for sale, and subject to local rules and practice, he may clear land for *jhum* cultivation, if he has been in the habit of practising such cultivation within the specified area. These examples do not exhaust the list of acts which may and may not be done after the issue of the proclamation. They are merely examples illustrating the law.

(iv) **Section 6.** The manner in which the proclamation is to be published is prescribed in S. 6. Copies of it should be posted in the court-houses, at the headquarters of each town-ship in which any portion of the proposed reserve is situated and in conspicuous places in every town or village or near the proposed reserve. Copies should also be sent for distribution to the headmen of the circles and villages in the neighbourhood. The Forest Settlement Officer should not merely publish the proclamation. He should personally explain its meaning to the local village officials and, if possible, to

the villagers concerned. The action taken by the Forest Settlement Officers in the matter of publishing and explaining the proclamation should be recorded in his proceedings.

(v) **Section 8.** As soon as practicable after the issue of the proclamation prescribed in S. 6 of the Regulation, the Forest Settlement Officer should visit the proposed reserve. If a Forest Officer has been appointed under S. 5 to assist the Forest Settlement Officer, both officers should visit the reserve together. The following general instructions relating to the enquiry into rights and claims should be carefully followed. It should be clearly understood that the enquiry is to be made by the Forest Settlement Officer, and not by the Forest Officer who may be appointed to assist him. The full responsibility for the enquiry and for the orders passed rests with the Forest Settlement Officer, and he alone should sign the records of evidence or statements which may be taken down and any order which may be passed or reports which may be submitted. The Forest Settlement Officer (with the Forest Officer if any) should inspect inasmuch as possible of the proposed reserve and should afford the people likely to be affected by the proposed reservation full opportunity of putting forward their claims on the spot. He should remain for some time in or near the proposed reserve for this purpose.

(vi) The Forest Settlement Officer is bound by law to take down in writing any settlements of claims in respect of *jhum* cultivation, or to rights of other kinds made under S. 6, and to enquire into all such claims. It is essential that the record of the enquiry should be full and complete. Any evidence tendered in support of such claims should be recorded in the same manner as evidence is recorded in a civil proceeding, but witnesses should not be put on oath the solemn affirmation. The Forest Officer (if any) should be allowed to question the witnesses, to produce any evidence bearing on any claim, and to state any objection he may wish to make. Any such objection must be recorded by the Forest Settlement Officer. The enquiry should not be confined to merely recording evidence produced by the claimants or by the Forest Officer. The Forest Settlement Officer should himself call for and examine any persons whom he may think likely to have knowledge of the facts. Under S. 9 he has power to summon witnesses and to require the production of documents, besides the power to enter, by himself or any officer authorised by him for the purpose, upon any land and, to servey, demarcate, and make a map of the same. It is his duty to ascertain the facts, and he is bound to enquire not only into claims put forward by the people, but also into the existence of any right or practice, though no formal claim may have been presented. In short, it is the business of the Forest Settlement Officer to ascertain by full and careful enquiry the actual state of things, the manner in which the reservation, if carried out, will affect the people in the neighbourhood, and the rights and privileges, if any, to which they are entitled. He has no power to confer by entry in the record any privileges which have never been enjoyed, merely because he thinks it expedient to grant them. But he is bound to express fully in reporting his operations, his opinion and advice as to any such privileges which he may think it advisable to confer in the interests of the people.

(vii) The classes of claims with which the Forest Settlement Officer has to deal, and the manner in which they are to be dealt with, are described in Ss. 10, 11, 12, 13 and 14.

(a) Claims relating to the practice of jhum cultivation—S. 10. Any claim of this kind should, after enquiry, be dealt with as provided in S. 10. Special attention is directed to the requirements of this section which are somewhat

complicated. It is for the Forest Settlement Officer to record a statement on consideration of the evidence, setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Provincial Government, together with his opinion whether the practice should be permitted or prohibited wholly or in part. If he considers that the persons making the claim can, without inconvenience, find sufficient land within easy reach of their village outside the proposed reserve, the continued practice of *jhum* cultivation within it should not be recommended, except under conditions accepted by the Forest Officer. If it considered necessary to allow *jhum* cultivation in the proposed reserve the Forest Settlement Officer may deal with the matter in one or two ways He may, with the previous sanction of the State Government, either alter the limits of the proposed reserve, so as to exclude from it land sufficient for the needs of the persons claiming the right, or permit *jhum* cultivation in certain parts of the reserve, subject to such rules and conditions, as he may, with such previous sanction, prescribe. In fixing conditions and making rules under this section for the sanction of Government, the Forest Settlement Officer should take into consideration the views of the Forest Settlement Officer, if any, who is assisting him. It should be borne in mind that an order cannot be passed permitting the practice of *jhum* cultivation in the whole of the proposed reserve, and that an order cannot be passed, permitting the practice of *jhum* cultivation in any part of the reserve as finally constituted, except under conditions previously sanctioned by the Governor. Finally, any permission granted under this section by the State Government to practise *jhum* cultivation, is in all cases a privilege subject to control, restriction, and abolition by the State Government, and is not a right.

(b) Claims to rights of way—S. 12. The Forest Settlement Officer must after enquiry pass an order specifying the particulars of any claim of this kind, and admitting or rejecting it wholly or in part.

Claims of this class will seldom present any features of special difficulty.

(c) Claims to right to water-courses or to use of water—S. 12 In this case, also an order must be passed specifying the particulars of the claim and admitting or rejecting it wholly or in part. The action to be taken in the case of claims of this class will seldom involve any difficulty.

(d) Claims to right of pasture—Ss. 12 and 13. As in other cases, an order must be passed specifying the particulars of each claim of this kind and admitting or rejecting it wholly or in part. Where a claim of this class is admitted, the provisions of Ss. 13 and 14 must also be observed. The order may either provide for the exercise of the right by excluding sufficient land from proposed reserve or may continue the right of pasture within the reserve, or may commute the right by a money payment or, if the claimant agrees, by the grant of land or in such other manner as seems suitable. This is a case in which under S. 12 (2), the position and area (which may be approximately stated) of the land over which the right is to be exercised, should be recorded. The area may be the whole or any part of the reserve. In continuing a right of pasture under this section, the Forest Settlement Officer must record a provision that the right is subject to such rules as the Governor may prescribe. Special attention is directed to S. 13 (2), by which it is laid down that an order passed continuing a right of pasture shall, as far as practicable, include a statement of the number and description of the cattle and the local limits within which, and the reason during which, they are permitted to graze. A right under this section may be admitted to a class of people (as a people of a

specified village) or to perons specified by name. Any other particulars necessary to define the extent to which a right of this kind is continued, and the mode in which it may be exercised must also be recorded, as well as the extent, if any, to which the benefit of the right may be leased, sold or bartered.

(e) **Claims to rights to forest produce—Section 12.** The general rule that an order must be passed specifying the particulars of a claim of this kind and admitting or rejecting it in whole or in part, applies in this as in other cases. The provisions of S. 13 also apply to claims of this class. As in the previous case, if the claim is admitted the order may exclude from the reserve sufficient land for the purpose of satisfying the claim. If this is not done, the right claimed must either be continued to the claimant, subject to any rules which the Governor may prescribe, or be commuted for a money payment, or, if the claimant agrees, by the grant of land, or in such other manner as seems suitable. Whether the claim is met by the exclusion of land from the proposed reserve, or by continuing the right within the reserve, or by commuting it under S. 14, it is necessary that the order should state whether the forest produce referred to may be sold or bartered, or whether it is only for the use of the persons exercising the right. If the continuance of the right within the reserve is permitted, the order must specify, as far as practicable the quantity of timber or other forest produce may be taken. Any other particulars necessary to define the extent to which a right of this kind is continued, and the mode in which it may be exercised, must also be recorded, as well as the extent, if any, to which it may be sold or bartered. The exercise of a right to forest produce may be permitted in the whole or any part of the reserve, and the right may be admitted to a class of people, *e. g.*, the people of a specified village or to persons specified by name.

(f) **Other claims not included in the above classes—Section 11.** Section 11 prescribes the method of dealing with claims not included in the preceding classes. In this, as in other cases, the Forest Settlement Officer is required to pass an order specifying the particulars of each claim and admitting or rejecting it wholly or in part. In cases in which a claim of this class is admitted, the Forest Settlement Officer must either arrange with the claimant for the surrender of the right or exclude the land in respect of which the right is claimed from the limits of the proposed reserve, or acquire the land under the Land Acquisition Act. It is not necessary to give a detailed description of the procedure under the Land Acquisition Act as modified by this section. Recourse to this procedure will seldom be necessary.

(g) It is not frequently desirable to allow villagers to enjoy the use of paths, of pasturage, of minor forest produce and other easements to which they have been accustomed. Such grants should, however, only be shown as rights in those cases in which there are reasonable grounds for holding that such rights are legally established. In all other cases they should be shown as concessions.

A right-of-way, a right to pasturage, to the use of minor forest produce or to other easements can only be legally acquired against the State by grant of covenant or by uninterrupted use under claim of right for a period of 60 years [*vide* S. 26, Act IX of 1908].

(viii) **Section 20.** When any claim is preferred, the Forest Settlement Officer should consider under which of the above classes it falls, and should then proceed to investigate and pass orders on it in accordance with the above instructions. He should explain that any order issued by him is subject to

the Governor's sanction, and this should be clearly stated in the order. A translation of every order passed on any claim should be furnished without delay to the person or persons affected by the order, to enable him to appeal if he wishes to do so. Attention is called to S. 16 of the Regulation which requires the Forest Settlement Officer to receive and forward to the appellate authority any petitions of appeal against his orders. Whenever an order on a claim is passed, the Forest Settlement Officer should inform the person or persons concerned that they are at liberty to appeal within three months, and that they may lodge their appeals with him

(ix) After completing the enquiry and passing orders on all claims presented to him the Forest Settlement Officer shall forward his proceedings to the Officer appointed to hear appeals from his orders. The proceedings shall include a copy of the notification issued under S. 5 and of the proclamation issued under S. 6, a record of the manner in which the proclamation was published, and of the steps taken to explain it the record of all evidence taken in the course of the enquiry. of all orders passed by the Forest Settlement Officer, and of any objections made under S. 8 by the Forest Officer (if any) assisting in the enquiry, and a full report summarising the proceedings and containing the recommendations of the Forest Settlement Officer concerning the constitution of the proposed reserve, the manner in which claims have been disposed of, and the privilege, if any which should, in the Forest Settlement Officer's opinion, be granted, whether any have been claimed or not. The Forest Officer (if any) assisting in the enquiry should see the draft of the report, and may record in writing any remarks he may wish to make and any such remarks should be filed with and form part of the proceedings. The report should distinctly state whether the Forest Officer agrees or disagrees with the Forest Settlement Officer either generally or on any specified point, but it shall not be signed by the Forest Officer. A statement of the limits of the reserve as finally recommended, and statements in the prescribed forms of any rights claimed in respect of the proposed reserve, should be attached to the proceedings. The Forms A, B and C, in which the statements of claims should be recorded, are appended to these instructions.

(x) (a) A map of the area proposed to be reserved should be prepared by the Forest Officer for the approval of the Forest Settlement Officer and should be signed by both officers when it is finally passed by them. The boundaries of the reserve originally proposed should be outlined with a dotted red line and the area finally recommended with a dotted green line. Other existing reserves in the neighbourhood should have their boundaries outlined with a continuous green line. Areas excluded from the proposed reserve but within its boundaries should be surrounded with a dotted green line and the areas in which *jhum* cultivation is permitted should be coloured with a green wash. Paths and roads over which rights-of-way are reserved for the public should be indicated by brown broken line. The map must contain, legibly written, the names of all rivers, villages, ridges, etc., without exception mentioned in the statement of boundaries, and as far as possible of all those mentioned in the proceedings of the Forest Settlement Officer.

(b) The map should be prepared on the scale of 2 inches equal to 1 mile. Where this is too small a scale to illustrate the intricacies of certain portions of the boundary, these portions should be dealt with on a separate plan, or as an inset to the main plan.

(c) Where Survey of India maps of scales not smaller than 1 inch equal to 1 mile exist, use should be made of these. The Forest Officer should ascertain from the Provincial Survey office whether maps on the one-inch scale,

if any, exist of the area in which the imposed reserve falls, and where such maps exist the officer-in-charge of the Assam Traverse Party and Drawing Office should be requested to supply paragraph enlargements to the 2-inch scale of the particular area with which it is repuired to deal. The Forest Officers should then supplement and correct these enlargements on the ground as may be found necessary for his purpose.

(d) In order to attain uniformity in the spelling of names of and in reserved forest so that forest maps and notifications may as far as possible agree, the following rules should be observed :

1. The spelling of proper names may be taken from the Survey of India Publications, where such are forthcoming. The orthography of these maps is reliable.

In the case of reserved forests which have neither been mapped nor notified, Conservator of Forests concerned should send the draft notification to Survey Superintendent concerned to obtain the correct spelling of names.

2. For reserved forest that have been notified but not mapped the Survey will enter the correct spelling in all their maps and will notify the Conservator concerned of corrections to names which appeared in the notification ; an amended notification will be issued if the errors are numerous and serious.

(xi) When the appeals, if any, preferred against the Forest Settlement Officer's orders have been disposed of, and the statements of rights and privileges completed, if necessary, in accordance, with the result of such appeals, the proceedings of the Forest Settlement Officer, with the proceedings if any, held by the appellate authority, should be submitted for the Governor's orders by the Commissioner, if the forest is situated in the Assam Valley districts, otherwise by the Deputy Commissioner, through the Conservator of Forests.

PROCLAMATION

[Under Section 6 of the Assam Forest Regulation VII of 1891]

1. The Governor, in a Notification No. R....., of having proposed to constitute the following area a reserved forest, notice is hereby given to all whom it may concern that this area is situated and bounded as follows :

Name of proposed reserved forest

situated in the ... ... district ... ...sub-division ... ...pargana/mauza, bounded approximately as follows :

North—

East—

South—

West—

2. From this date no right can be acquired in or over this land except from Government or from some person or community previously possessing such right. This area cannot be built on, planted or cleared for cultivation or any other purpose, nor can trees be cut, except on the written permission of the Forest Settlement Officer ; provided that persons who have been constantly *jhuming* on such arrea, may continue to *jhum* pending further orders.

3. The Governor has appointed ... ... to be Forest Settlement Officer to enquire into all rights possessed or claimed, by any person, or village in or over such area in or over any forest produce of such area, and any person claiming in that area—

the privilege to *jhum*,

the right to use roads or paths for men or cattle,

the right to use water or water courses,

the right to graze cattle,

the right to cut or use timber or other forest produce,

the right to do any other acts,

shall appear before the said Forest Settlement Officer within ... ... months from this date, and have their claims recorded or shall forward to him such claims in writing.

4. Persons omitting to present their claims within this period incur the risk of losing any right they may possess, and any rights not recorded by the Forest Settlement Officer within this period will be extinguished, on the issue of the notification which it is proposed to issue constituting the area reserved forest.

5. The settlement now being made will regulate for the future all questions of right to the land or produce.

Persons interested are reminded that, if and after this area is made a reserved forest, no acts can be performed by them, except in accordance with recorded rights or privileges or on the written permission of an officer of the State.

Dated the... ... ... Forest Settlement Officer

STATEMENT A

Regarding claims to practise jhum cultivation in the proposed reserve dealt with under S. 10 of the Assam Forest Regulation, VII of 1891

1	2	3	4	5	6	7	8	9	10	11	12	13
No of claim	Name and description of claimant	Number in claimant's village of — Houses	People	*Jhum* cultivators	Particulars of claim and of any local rule or order under which the practice is allowed or regulated	Opinion of Forest Settlement Officer whether practice should be permitted or prohibited wholly or in part	Order of Provincial Government on entry in column 7	Provision made for the exercise of *Jhum* cultivation under Cl. (a) or Cl. (b) of S. 10 (3) of Regulation	Order of Provincial Government on entry in column 9	Date of final order of Forest Settlement Officer	Date of appeal, if any	Order passed on appeal and date thereof

STATEMENT B

Relating to claims to rights other than (a) a right-of-way, (b) a right to a water course and to use of water, and (c) a right of pasture or to forest produce in the proposed reserve dealt with under S. 11 of the Assam Forest Regulation, VII of 1891

No. of claim	Name and description of claimant	Number in claimant's village of		Particulars of claim	Order admitting or rejecting the claim wholly or in part	Manner in which claim has been disposed of under S. 11 (1), (2) and (3)	Date of order of Forest Settlement Officer	Date of appeal, if any	Order passed on appeal and date thereof
		Houses	People						
1	2	3	4	5	6	7	8	9	10

STATEMENT C

Relating to claims to right-of-way, water courses, pasture, and forest produce in the proposed reserve dealt with under Ss. 12, 13 or 14 of the Assam Forest Regulation, VII of 1891

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
No. of claim	Name and description of claimant	Number in claimant's village of					Particulars of claim	Order admitting or rejecting the claim wholly or in part	Designations, position, and area of land or buildings for the beneficial enjoyment whereof the claim is admitted	Particulars defining the nature, incidents and extent of the right to pasture or to forest produce	Provisions made for the exercise of the right to pasture or forest produce under Cl. (a) or Cl. (b) of S. 13 (1) of Regulation or for commutation of such right under S. 14	Date of order by Forest Settlement Officer	Date of appeal, if any	Order passed on appeal and date thereof
		Houses	People	*Jhum* cultivators	Ordinary cultivators	Cattle								

Rights of the State in land or produce. The granting of a concession is very different thing from the admission of a right and the permission which is sometimes granted to *raiyats* to continue to collect firewood or graze cattle in, or to use a path through, a forest after reservation, in cases where they are shown to have a special claim to consideration, is granted as a matter of grace, and not of legal obligation. Should any "rights" be found to exist by a Forest Settlement Officer in the case of future proposals to constitute forest reserves, the special attention of the Government should be drawn to the finding. For the present, it is sufficient to say that no private or public rights in land, or the produce thereof, are recognised by the State as existing in Assam other than those specially declared to exist by S. 6 of the Assam Land and Revenue Regulation of 1886 ; nor is there any reasonable probability of such rights ever being claimed. Even assuming the bare possibility of any person hereafter claiming some sort of right in land, or in the produce of land "at the disposal of the State," the view that such a possibility, which, no doubt, is entirely removed in the case of a reserved forest, reduces the actual status of the State in such land below that which it holds in reserved forests, is one the Governor cannot accept ; this explains why he has thought it necessary to give a legal basis to the action of the Forest Department in levying special rates of royalty in reserved forests.

1. Limit of temporary privilege. The maximum limit of the period for which temporary privileges may be granted in reserved forests is fixed at ten years. Forest Officer should obtain notice of the dates of Forest Settlement Officers' inquiries into rights and privileges in areas proposed as reserves, and bring to the Conservator's notice facts which might prove detrimental to forest conservancy, or matters which may not be sufficiently understood by the Settlement Officer.

Article 58 of the Forest Department Code lays down values not to be exceeded, except with the sanction of the Central Government.

2. Amended description of boundaries. Cases arise in which it may be desirable to publish, by means of a fresh notification, amended descriptions of the boundaries of forest reserves already notified under S. 17 of the Assam Forest Regulation or under other forest enactments. It has been ascertained that there is no legal objection to this course, if the fresh notification merely provides for the substitution of a more exact and definite description of the boundaries for that which was originally notified and which, though purporting to describe the boundaries as they existed at the time, has subsequently become incorrect or proved to be open to misconstruction. The appended form of notification is considered suitable for such cases, and may be employed whenever necessary.

The procedure permitted in the foregoing paragraph must not be held to extend to any such alteration of the boundaries on the ground as would involve either the inclusion of new areas or the exclusion of any lands which have been declared by the previous notification to be reserved forests. Such changes require either a new settlement of the additions it is proposed to make or, in the case of disforestation, the previous sanction of the Central Government.

NOTIFICATION

With reference to Notification No....., dated the.....under section.....of the Assam Forest Regulation (VII of 1891), at page.....of

the official Gazette of the... ... ..., declaring the... ... ...forests to be a reserved forest... ... ...is pleased to direct that the following amended and more accurate description of the boundaries of the said forest be substituted for the description contained in the said notification.

3. **Disforesting of forest areas.** A draft notification in the form appended to this rule must, subject to such minor modifications as local circumstance may render expedient or necessary, accompany every application to the Central Government for sanction to disforest.

In all such applications it should be stated whether or not the local revenue and forest authorities agree to the disforestation proposed ; and in the event of any objection to such disforestation being urged, its nature should be recorded for the information of the Government of India.

The advisability of submitting with the application a map illustrating the proposals made should be considered in each case by the State Government concerned.

DRAFT NOTIFICATION

The Governor (with the previous sanction of the President) is hereby pleased to declare, under the provisions of section... ... ... of..... that the area specified below, which in Notification No.,.....dated the,..... was declared to be reserved forest under section.....of that..... shall cease to be reserved forest, with effect from the ... ...

SPECIFICATION OF LAND DISFORESTED

Name of reserve or portion of reserve disforested	District	Pargana	Mauza	Area in acres
1	2	3	4	5

Boundaries

Brief description

Reasons for disforestation

The Central Government will be constrained to return, for correction, any application to sanction exclusions from reserved forests, where the description of boundaries is inaccurate or not sufficiently detailed or precise.

4. **Provincial Government may disforest an area up to ten square miles.** Under the authority vested in him by S. 28 of the Assam Forest Regulation (VII of 1891), as amended by the Assam Forest (Amendment) Regulation, III of 1912, the President has ruled that the Governor of Assam may, without

reference to the Government of India, sanction disforestations from reserved forests in territories in which the Assam Forest Regulation is in force when the area involved does not exceed ten square miles in each case.

5. **Settlements made previous to the introduction of the Forest Act, VII of 1878.** The rights of the State and private persons to or over any land or forest produce in forests declared reserved or protected under S. 34 of the Indian Forest Act, VII of 1878, and notified in Notifications Nos. 5 and 6, dated the 17th October, 1878, previous to such declaration, were inquired into, settled, and recorded in a manner which the Governor deemed sufficient.

CHAPTER 3

SECTION I—GENERAL PROVISIONS

1. **Definitions.** In these rules, unless there is anything repugnant in the subject or context—

(a) "Special cultivation" means cultivation which involves, either owing to the nature of the crop or owing to the process of cultivation, a much larger expenditure of capital per acre than is incurred by most of the cultivators in the State. "Ordinary cultivation" means cultivation other than special cultivation.

(b) "Waste land" means land at the disposal of the Government, which the Government has not disposed of by lease, grant or otherwise, and which is not included in a forest reserve, or in a forest proposed to be reserved under S. 5 of the Assam Forest Regulation, VII of 1891, or in a protected forest constituted under the rules made under the said Regulation, and has not been allotted as a grazing ground under rules framed under S. 18 of the Assam Land and Revenue Regulation.

(c) An annual lease means a lease granted for one year only and confers no right in the soil beyond a right of *user* for the year for which it is given. It confers no right of inheritance beyond the year of issue. It confers no right of transfer or of sub-letting and shall be liable to cancellation for any transfer or sub-letting even during the year of issue :

Provided that the State Government may waive their right to cancel an annual lease and may allow its renewal automatically till such time as the State Government may direct in those cases in which the land is mortgaged to Government or to a State-sponsored co-operative society.

(d) A periodic lease, except in the case of town land, means a lease granted for a period longer than one year, and in the case of town land, a lease for a period longer than three years. Subject to and so far as is consistent with any restrictions, conditions, and limitations contained therein, a periodic lease, the term of which is not less than ten years, conveys to the lessee the rights of a land holder as defined in the Assam Land and Revenue Regulation.

(e) The "terminal year of a local area" means the year up to which the rates of land-revenue shall, according to the orders passed by the State Government at the last settlement of that local area, remain in force.

(f) "Settlement" in these rules means the leasing of land at the disposal of the Government and includes the operations of survey classification and report, preliminary to such leasing.

(g) "Cost of survey" includes cost incurred by the Deputy Commissioner for the pay of the survey or and of the establishment.

(h) "Timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not.

(i) "Tree" includes palms, bamboos, stumps, brush-wood and canes.

2. Powers of Deputy Commissioners. The disposal of waste land required for ordinary or special cultivation or for building purposes will vest in the Deputy Commissioner who will dispose of such land by grant, lease or otherwise in the manner and subject to the conditions set forth in the rules following ; provided that the Deputy Commissioner may expressly reserve any such land from settlement :

Provided that no land in any unclassed State forest containing trees declared as reserved trees under S. 32 of the Assam Forest Regulation 1891, shall be settled except with the previous approval of the State Government.

Note For orders regarding the disposal of land left by settlement-holder dying without heirs, *see* paragraph 84-A of the Assam Executive Manual.

3. Delegation of powers of Deputy Commissioners. The Deputy Commissioner may, by general or special order, delegate to any Revenue Officer within the district all or any of the powers conferred by these rules including the power to receive application for land provided that—

(i) no officer of lower status than a Sub-Deputy Collector shall pass final orders to issue a periodic lease or to grant settlement of land ; and provided that Sub-Deputy Collectors may not exercise such powers if the land in question exceed 12 bighas or such other area as may be prescribed by the State Government by general or special order from time to time ;

(ii) delegation of powers under Rr. 18 (1) and (2) may be made only to a Sub-divisional Officer.

All orders passed by a subordinate officer under the provisions of this rule shall be subject to revision by the Deputy Commissioner.

Explanation. For the purpose of this rule, the words "Sub-divisional Officer" shall include Sub-divisional Officer of Sadar Sub-division also.

4. Settlement Officer. When a Settlement Officer has been appointed under S. 133 of the Assam Land and Revenue Regulation for any local area or class of estates, he shall exercise the powers of a Deputy Commissioner as conferred by these rules ; provided that he shall not settle any land which has been expressly reserved by the Deputy Commissioner from settlement ;

Provided further that the Deputy Commissioner shall continue to exercise the powers under R. 8.

5. **Applications for land.** Application for leases of waste land shall be in writing and shall be presented to the Deputy Commissioner or to such other officer as may be empowered by the Deputy Commissioner under R. 3. They shall be made in such form as the State Government may from time to time direct.

[*Vide* Forms Nos. 125 and 126].

Note. Deputy Commissioners should indent for a sufficient number of these forms for sale by the Revenue Nazir—(a) to the public and (b) to the stamp vendors for retail sale to the public.

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15. Settlement of occupied lands not included in any lease. No person shall have any right to settlement merely because he is in occupation of land not included in any lease granted by the State Government either to himself or to any other person.

16. Prohibition to enter into land until issue of lease. Lease shall be issued on written application only, and no person shall, enter into possession of waste land in any area until a lease has been issued to him or otherwise a written permission by Deputy Commissioner has been granted to him, pending issue of such lease, to enter into possession.

17. Liability to pay revenue. If the occupant to whom settlement is offered accepts it, he shall be liable for the revenue assessed on the land from the commencement of the year in which he first occupied it. If the occupant refuses the settlement offered to him, settlement may be offered to any other person from the commencement of the year succeeding that in which the occupation was discovered and the actual occupant, notwithstanding his refusal to accept settlement, shall, from the commencement of the year in which he first occupied the land, be held liable for the revenue assessed on it.

17-A. The Deputy Commissioner may at any time on application or of his own motion, assess increment or grant reduction in the revenue in proportion to the charge in area of the lease as a result of gain by alluvion or by dereliction of a river, or loss by diluvion, during the currency of the settlement :

Provided that no such revision of the revenue and area of the lease shall be made until the parties concerned had been given reasonable opportunity of being heard.

18. Ejectment. (1) Subject as hereinafter provided, the Deputy Commissioner may eject any person from land over which no person has acquired the rights of a proprietor, landholder, or settlement-holder.

(2) When such person has entered into possession of land that has previously been reserved for roads or roadside lands or for the grazing of village cattle or for other public purposes, or has entered into possession of land from which he has been excluded by general or special orders and when, further, there is no *bona fide* claim of right involved, he may be ejected or ordered to vacate the land forthwith, and the Deputy Commissioner may sell, confiscate or destroy any crop raised, or any building or other construction erected, without authority on the land.

(3) (a) In all other cases ejectment shall be preceded by publication of a notice in the manner prescribed below requiring the occupant generally to vacate the land specified in the notice within 15 days of the date of publication of the notice on the land concerned or in a prominent place in the vicinity thereof; and to remove any buildings, houses, fences or crops, etc., which may have been raised on such land ; provided that the Deputy Commissioner may give time to any particular occupant to harvest the crops, if any, growing on such land. Any buildings, houses, fences, crops, etc., which have not been removed in accordance with such notice shall be confiscated to the Government.

(b) The notice referred to in Cl. (a) of sub-R. (3) above shall be published by affixing a copy thereof in the Notice Board of the Office of the Deputy Commissioner or the Sub-divisional Officer, as the case may be, and also in the Notice Board of the Office of the Sub-Deputy Collector within whose jurisdiction the land is situated. A notice shall also be published by affixing a copy thereof on the land concerned or in a prominent place in the vicinity thereof.

(4) Any person or persons required by notice to vacate under the last preceding sub-rule the land which the person or persons occupy, shall comply with the requisition within the time prescribed in the notice, running from the date of its service.

(5) Any person or persons intentionally disobeying an order or requisition to vacate under sub-R. (2) or (3) shall be liable to a penalty which may extend to two hundred rupees, and, in case such disobedience is continued to a further penalty which may extend to fifty rupees for each day during which such breach continues.

(5-a) Any person who having been once evicted under sub-R. (2) or sub-R. (3) from any land encroaches on any land over which no person has acquired the right of a proprietor, land-holder, or settlement holder, shall on conviction before a Magistrate, be liable to imprisonment which may extend to six months or fine which may extend to one thousand rupees or with both.

(6) Nothing in sub-R. (3) of this rule shall apply to any person who has refused an offer of settlement in respect of the land of which he is in possession.

19. Land revenue and minimum assessment. The land-revenue payable on account of any lease shall be determined by such general orders regarding the assessment of land revenue as may have been issued by the State Government when confirming the last settlement of the local area or class of estates in question. Where no such general orders exist, the special orders of the State Government shall be taken :

Provided that the minimum assessment of an estate shall be one rupee.

20. Fraction in assessment. In fixing the total demand on an estate fractions of a paisa shall not be taken into account. Any fractions of paisa less than half paisa shall be neglected ; half a paisa or more shall be counted as a whole paisa if the assessment of an estate amounts to one hundred rupees or more, any fraction of a rupee less than fifty paise shall be omitted and fifty paise or more shall be treated as one rupee.

21. Royalty on timber. The following provisions shall apply to cases of all leases for ordinary cultivation :

(a) No royalty shall be payable on any forest produce except timber sold, bartered, mortgaged, given or otherwise transferred or removed for transfer. The timber sold, bartered, mortgaged, given or otherwise transferred or removed for transfer shall be liable to the full royalty under the rules relating to unclassed State forests.

(b) Before a lease is granted the applicant may (and shall if, for special reasons to be recorded, the Deputy Commissioner so require) clear his liability for royalty upon all timber afterwards sold, bartered, mortgaged, given or otherwise transferred or removed for transfer by the pre-payment of a sum representing the full royalty on all trees which are likely to be sold, bartered, mortgaged, given or otherwise transferred or removed for transfer. The sum to be so paid shall be estimated by the Deputy Commissioner either on the basis of rate per *bigha*, or in such other manner as may be fair and equitable. The estimate of the Deputy Commissioner shall be final. The pre-payment shall be made either in one instalment or in such series of instalements as the Deputy Commissioner may, by general or special order, determine.

(c) At any time during the pendency of a lease the lessee may in the manner set forth in Cl. (b) clear his liability in respect of all trees still standing on the land.

(d) Notwithstanding anything contained in the preceding clauses, trees which were planted, or began to grow, on the land during the pendency of a lease shall be exempted from all payments of royalty even if sold, bartered, mortgaged, given or otherwise transferred or removed for transfer. When land has been settled continuously for twenty years, all trees standing thereon shall be presumed to have been planted, to have begun to grow, during the pendency of the lease.

(e) If no trees other than trees exempted under Cl. (d) are standing upon the land of a lessee, he may at any time apply to the Deputy Commissioner for an endorsement to this effect upon his lease, and the Deputy Commissioner, after ascertaining that allegation is correct, shall make such endorsement free of charge.

(f) Subject to the payment of such royalty, if any, as is due under Cls. (a), (b) or (c) of this rule, the holder of a periodic or annual *patta* shall be entitled to cut down or sell any tree standing on the land covered by his lease ; provided that the holder of an annual *patta* shall not be entitled to cut down or lop branches from trees of such classes and within such areas as may be notified in this behalf by the State Government.

Note 1. The words "notified in this behalf by the State Government" in R. 21 (f) refer only to notifications issued from time to time under this rule and not to other notifications issued by the State Government.

Note 2. Leases for land settled with persons carrying on special cultivation for allotment to the labour fource under their control for ordinary cultivation shall for the purpose of timber valuation be governed by Rr. 37 to 39.

22. Refund of value of timber or resignation of a grant. In any case in which settlement-holder has paid royalty for timber standing on his estate he may, in case he hereafter resigns the whole or any portion of his estate, be granted a refund of the value of the timber of trees standing thereon subject to the following provisions :

(i) Where the area resigned is a compact area of 250 acres or upwards the settlement-holder shall be entitled to a refund, in respect of all unused timber, of the royalty paid at the time of settlement.

(ii) Where the area resigned is not a compact area of 250 acres, refund of the royalty paid at the time of settlement in respect of all unused timber may be made at the discretion of the Commissioner.

(iii) Where a settlement-holder resigns land on which valuable trees have been planted subsequent to settlement, a fair valuation of the trees standing on the land may be paid to the settlement-holder at the discretion of the State Government.

(iv) When a refund is claimed under Cl. (i) or (ii) it shall be for the settlement-holder to prove the amount of royalty paid at the time of settlement in respect of the area resigned. The Deputy Commissioner shall cause a Forest Officer to estimate what proportion the value of the standing trees bears to the value of the trees at the time of settlement, and the amount of the refund shall bear the same proportion to the amount of royalty paid at the time at settlement ; provided that the Commissioner may at his discretion authorise a Forest Officer to assess the timber at its present market value in situ, in cases where it is not possible to prove the amount of royalty paid in respect of the area resigned.

23. Road-side land. (1) Nothing in these rules shall entitle any persons to obtain a lease in respect of land within 35 feet from the foot of the slope of a public road. Any person occupying or encroaching on such land shall be liable to ejectment under R. 18 of these rules.

Explanation. The expression "public road" includes any road maintained by the State Government or by a local board, and any other road declared by the Deputy Commissioner to be a public road for the purpose of this rule.

(2) Except under the general or special orders of the State Government, no new periodic lease shall be issued in respect of land within one chain (66 feet) of the 35 feet reservation alongside roads maintained by the State Government.

Note. This rule applies to existing and not to projected roads. It is, however, open to the Public Works Department to apply to the Deputy Commissioner to utilise his powers under R. 2 so as to reserve from settlement otherwise than on annual lease land lying within 126 feet from the centre line of a projected road.

Section II. Special provisions relating to applications for special cultivation

29. The following additional rules shall apply only to applications for waste land for special cultivation.

30. Applications to be in writing. Leases for special cultivation will be issued on written application only.

31. Lands which may not be leased under this section. (1) Ordinarily, waste land of the following description shall not be leased under this section without the special sanction of the State Government :

(a) Land in forests reserved, or proposed to be reserved, under S. 5 of the Assam Forest Regulation VII of 1891, and land in unclassed forests containing trees declared as reserved trees under S. 32 of the Assam Forest Regulation, 1891.

(b) Land specially valuable for grazing or for the supply of fuel and other forest produce.

(c) Land known or supposed to contain valuable minerals.

(d) land claimed by wild tribes, or over which the inhabitants of neighbouring villages claim special privileges.

(2) The Deputy Commissioner shall refer all applications received for special cultivation to the Divisional Forest Officer for report on (1) (a) and (b) above.

Note. When examining an application referred to him under this rule, a Forest Officer should consider whether the timber on the land or any part of it can be advantageously disposed of under R. 39.

32. Land applied for to be compact. If the area applied for exceeds 50 acres, it must be compact and such as might be enclosed within a ring fence. If the land touches a public road or navigable river, the length of the road or river, frontage must not exceed one-half the depth of the area applied for ; but if for any special reasons the State Government see fit to relax this restriction, they may do so.

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37. Valuation of timber. The Deputy Commissioner, shall, as soon as possible after an application has been filed under this section and admitted by him, cause a Forest Officer to make an estimate of the full royalty valuation of the trees on the land applied for.

The Forest Officer shall submit his valuation, if the royalty at full rates would not exceed Rs. 1,000 to the Deputy Commissioner, and the Deputy Commissioner, if he does not approve of it, may refer the matter, to the Conservator, whose decision shall, subject to the orders of the State Government, be final. If the royalty at full rates would exceed Rs. 1,000, the Forest Officer shall before sending his valuation to the Deputy Commissioner, submit it for confirmation to the Conservator, who may reduce it up to a maximum of 50 per cent, if he considers that it is too high, having regard to the inaccessibility of the timber to a market or to any other consideration.

Should the Conservator consider that a larger reduction is called for than 50 per cent on the Forest Officer's valuation, he will report the case to the State Government for sanction to such reduction. If the applicant is dissatisfied with the valuation fixed by the Conservator, he may appeal to the State Government.

38. In special cases, payment of the value of timber on the land may be postponed for such time and under such conditions as the State Government may decide.

39. Prior disposal of timber. Nothing in these rules shall prevent the Deputy Commissioner from disposing of the timber or any part of it on the land applied for before settlement is completed. Any such disposal of the timber shall be arranged as soon as possible after the receipt of the report of the Divisional Forest Officer under R. 31 (2), and a definite period not exceeding two years shall be fixed within which the timber disposed of shall be removed. If and when timber is so disposed of by the Deputy Commissioner the valuation of the remaining timber shall be made as soon as possible ; provided also that the lessee shall be given the right of entering for the purpose of commencing cultivation, previous to such valuation being completed, if he so desires.

* * * * *

45. Right of a lessee. Subject to the special conditions laid down, a lease for special cultivation shall confer a permanent, heritable and transferable right. The term of the lease shall be 15 years after which the holder shall be entitled to settlement on a periodic *khiraj* lease for special cultivation at the rates then current in the district.

46. Reservations between adjoining grants. In the case of all leases of land exceeding 50 acres and not exceeding 600 acres granted under these rules, the Deputy Commissioner shall reserve from settlement—

(a) any land which in his opinion is required for public passage, and

(b) a strip of land at least 10 feet wide between the grant and adjoining grants (if any).

In the case of leases of land exceeding 600 acres, the Deputy Commissioner shall, in addition, divide the land into convenient blocks and reserve similar strips between each pair of adjoining blocks.

If in any particular instance the Deputy Commissioner is unable to follow this rule, he shall report the departure together with his reasons to the Commissioner, who may pass such orders as he thinks fit :

Provided that if at any time it appears to the Commissioner that the continuance of any reservation made under this rule, excepting those over which the public have acquired a right-of-way, is unnecessary, he may cancel such reservation and settle the land over which the reservation was made in such manner either by exchange with land already settled, or otherwise, as may appear to him desirable.

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CHAPTER 4

Privileges and concessions

1. Concessions granted in Mangaldai Sub-division. As a special case, the grant of khaira trees in unclassed State forests to the Cacharis of the 12 mauzas named below in Mangaldai sub-division is authorised on home consumption permits on payment of the nominal royalty of 4 annas per tree.

1. Kalaigaon
2. Chinakona
3. Majkuchi
4. Sekhar
5. Dakua
6. Harisinga
7. Ambagaon
8. Barsilajhar
9. Orang
10. Silpota
11. Northern part of Balgaon Mauza
12. Northern part of Samabari Mauza.

2. North Lakhimpur. The Sub-divisional Officer of North Lakhimpur may exercise his discretion, and permit the felling of uriam trees free of royalty in localities where land for *jhuming* is comparatively scarce, and where real hardship is being caused by people having to choose inferior land on account of the better soil having uriam trees on it ; but this discretion should be exercised by him on the distinct understanding that whenever the people wish to remove the timber or any portion of it for sale, they must pay the full royalty on each tree, as otherwise the concession would rapidly degenerate into the regular felling of the uriam trees for the purpose of trade.

3. Sylhet. Royalty should not be levied on bamboos cut down by the dao-tax-payers in course of cultivation in addition to the dao-tax levied on them.

4. Gauhati Mikirs are exempted from the payment of any tax for collecting firewood for sale in the Gauhati town when, in the opinion of the District Officer, the sale merely earns for them a bare livelihood.

5. In North Cachar. Members of all Hill tribes of the North Cachar Hills Sub-division are exempted from the payment of royalty on firewood brought by them for sale from the unclassed State forests in the North Cachar Hills to the Station of Haflong as well as outside bazars within the Sub-division when, in the opinion of the District Officer, the sale merely earns for them a bare livelihood, subject to the condition that throughout the area affected both by this new concession and by the existing concession the Sub-divisional Officer does his utmost to induce the villages from which the firewood is produced for sale to adopt permanent in place of shifting cultivation wherever it is possible and reports progress in five years ; and that if it is found that at any Bazar a regular trade in fuel is started and fuel is exported, the concession will be withdrawn from that area.

6. Shooting in reserved forests, Naga Hills District. As special case, the grant of licences free of charge to the raiyats of Barpathar for the purpose of shooting in the neighbouring Government reserved forest is authorised.

7. In Hill areas Deputy Commissioners are empowered to exempt, in consultation with the Divisional Forest Officers, specified kinds of minor forest produces and articles manufactured as a home industry from such produce from payment of royalty and from all restrictions as regards sale in particular markets or areas. The area covered by the order and in market or markets at which the produce may be sold should be clearly specified.

8. I. (a) As special concession and without prejudice to the rights of the State over unclassed State forests, tax paying residents and tribesmen, and all servants of the State and pensioners living in the Sadiya Frontier Tract may extract for their own domestic use only from unclassed State forests in the Sadiya Frontier Tract unreserved timber, either green or dead, firewood, bamboos, cane thatching grass, ekra, nal, patidal, patidoi, fodder, grass, stones, gravel and sand without payment of royalty ; provided that forest produce extracted under this rule shall not be transferred by sale, barter or gift, and the quantity extracted at a time shall be limited, except with the permission of the Political Officer, to what the concessionaire himself can carry, or where the ordinary means of extraction is by boat or other means of conveyance, to such corresponding limit as may be fixed by the Political Officers.

(b) All servants of the State and pensioners living in the Sadiya Frontier Tract may remove and utilise free of royalty such timber as the Divisional Forest Officer considers necessary for the construction of their dwelling houses and for their personal use, but not for sale, trade of gift.

II. (a) The Political Officer is authorised to grant permits free of royalty to tribesmen of the district to cut and remove dugouts from trees of reserved species, for domestic purposes from unclassed State forests in the Sadiya Frontier Tract.

(b) A similar concession may be granted under the authority of the Political Officer to other residents of the Sadiya Frontier Tract, where in his opinion special circumstances warrant it.

III. The felling of trees of all reserved species permitted in *jhums* cleared by tribesmen for cultivation.

IV. Tribesmen may fell, remove and utilise free of royalty timber of all species and other forest produce, such as Toko leaves, cane etc., for house building and domestic use from unclassed State forests in the Sadiya Frontier Tract, but not for sale, trade, barter or gift.

V. Tribesmen of the Sadiya Frontier Tract are exempted from the payment of royalty on small quantities of firewood collected from unclassed State forests, and on salved drift timber offered for sale in the bazars of the district, when in the opinion of the Political Officer, the sale merely earns them a bare livelihood.

The powers exercised under these rules by the Political Officer may be exercised by the Assistant Political Officer, Pasighat, in respect to tribesmen of the sub-division.

A return showing the number of species of reserved trees granted free for dugouts under Rules II (a) and II (b) will be submitted annually at the close of the financial year to the Divisional Forest Officer for incorporation in his Forms.

VI. The Civil Hospital at Sadiya is exempted as a special case from payment of royalty on firewood obtained from the neighbouring unclassed State forests for consumption within the hospital.

9. Jorhat and its vicinity. The pattadars of Jorhat and its vicinity, *i. e.*, within a radius of five miles from the Municipal Area of Jorhat Town in the District of Sibsagar only exempted from necessity of obtaining certificate of origin to cover firewood removed from their patta lands. Beyond a radius of 5 miles this exemption does not hold good.

10. (I) Without prejudice to the rights of the State over the reserved forests, tribesmen including the settlers of such Daffla villages in the Balipara Frontier Tract as are specially authorised by passes issued by the Political Officer each year, are allowed as a special concession revocable at the will of the Governor of Assam, to extract from the reserved forests in the Balipara Frontier Tract excluding the Sonai-Rupai Game Sanctuary, without payment of royalty, trees of reserved species for making into dugouts, poles of unreserved timber, either green or dead, firewood, bamboos cane, thatching grass, ekra nal, geregua patidal, patidoi, fodder grass, stones gravel and sand if such forest produce is not procurable in the unclassed State forests, for their own house-building and domestic use only and care for sale also, when in the opinion of the Political Officer, the sale merely earns them a bare livelihood; provided that no forest produce except cane extracted under this rule, shall be sold, bartered, mortgaged, given or otherwise transferred or removed for transfer and the quantity extracted at a time shall be limited, except with the permission of the Political Officer, to what the concessionaire can himself carry or where the ordinary means of extraction is by boat or other means of conveyance, to such corresponding limit as may be fixed by the Political Officer.

(II) As a special concession and without prejudice to the rights of the State over unclassed State forests, all servant of the State and pensioners living in Balipara Frontier Tract may extract for their own house-building and domestic use only from unclassed State forests in Balipara Frontier tract unreserved timber either green or dead, firewood, geregua, and other minor forest produce as mentioned in R. (I) (a) without payment of royalty ; provided that forest produce extracted under this rule shall not be transferred by sale, barter or gift and the quantity extracted as a time shall be limited except with the permission of the Political Officer or what the concessionaire himself can carry or where the ordinary means of extraction is by boat or other means of conveyance to such corresponding limit as may be fixed by the Political Officer.

(III) The Civil Hospital at Charduar is exempted as a special case from payment of royalty on firewood obtained from neighbouring unclassed State forests for consumption within the hospital and also for use in the Public Health Department Incinerator at Charduar its control.

(IV) A return showing the number of species of reserved trees granted free for dugouts under R. 10 will be submitted annually at the close of the financial year to the Divisional Forest Officer for incorporation in his forms.

11. Rules as approved by His Excellency the Governor for granting concession regarding removal of timber, certain other forest produce, etc,, from the forests in the Tirap Frontier Tract.

1. (a) As a special concession and without prejudice to the rights of the State over unclassed State forests, tribesmen, tax-paying residents, Government servants and pensioners living in the Tirap Frontier Tract may extract for their own house building and their own domestic use only timber of any species, firewood, bamboos, cane, thatching grass, *toko* leaves, *ekra*, *nal*, *patidoi*, *patidal*, fodder gross, stones, gravel and sand without payment of royalty ; provided that forest produce extracted under this rule shall not be transferred by sale, barter, or gift, and the quantity extracted at a time shall be limited, except with the permission of the political officer, to what concessionaire himself can carry or where the ordinary means of extraction is by boat or other means of conveyance to such corresponding limit as may be fixed by the political officer, and subject to the limitation contained in paragraph 1 (b).

(b) The concessions to tax-paying residents, Government servants and pensioners is limited to those whose monthly incomes are Rs. 30 or less.

2. (a) The political officer is authorised to grant permits free of royalty to tribesmen of the district to cut and remove dugouts from trees of reserved species for domestic purposes from unclassed State forests in the Tirap Frontier Tract.

(b) A similar concession may be granted under the authority of the political officer to other residents of the Tirap Frontier Tract where in his opinion special circumstances warrant it.

3. The fellings of trees of all reserved species is permitted in *jhums* cleared by tribesmen for cultivation.

4. Tribesmen in Tirap Frontier Tract are exempted from the payment of royalty on small quantities of firewood collected from unclassed State forests and on salved drift timber offered for sale in the bazar of the district, when, in the opinion of the political officer, the sale merely earns them a bare livelihood.

A return showing the number and species of reserved trees granted free for dug outs under Rr. 2 (a) and 2 (b) will be submitted annually at the close of the financial year to the Divisional Forest Officer, for incorporation in his forms.

12. Rules as approved by his excellency the Governor for granting concessions regarding removal of timber, certain other forest produce, dugouts and firewood from forests in the Naga Hills.

I. (a) As a special concession and without prejudice to the rights of the State over unclassed State forests, tribesmen living in the Naga Hills may extract for their own domestic use only from the unclassed State forests in the Naga Hills unreserved timber, either green or dead, firewood, bamboos, cane, thatching grass, *ekra*, *jilly*, wormwood, fodder grass, stones, gravel and sand without payment of royalty ; provided that forest produce extracted under this rule shall not be transferred by sale, barter or gift and the quantity extracted at a time shall be limited, except with the permission of the Deputy Commissioner, to what the concessionaire himself can carry, or where the ordinary means of extraction is by boat or other means of conveyance, to such corresponding limit as may be fixed by the Deputy Commissioner.

(b) Tribesmen of the Naga Hills are exempted from the payment of royalty on small quantities of firewood collected from the unclassed State forests in the Naga Hills for sale to the residents of the district, when, in the opinion of the Deputy Commissioner, the sale merely earns for them a bare livelihood.

II. The Deputy Commissioner is authorised to grant permits free of royalty to tribesmen of the district to cut and remove dugouts from trees of reserved species for domestic purposes from unclassed State forests in the Naga Hills.

III. The felling of trees of all reserved species is permitted in *jhum* cleared by tribesmen for cultivation.

IV. Tribesmen may fell, remove and utilise free of royalty timber of all species and other forest produce, such as *toko* leaves, cane etc , for house building and domestic use from unclassed State forests in the Naga Hills, but not for sale, trade barter or gift.

V. The powers exercised under these rules by the Deputy Commissioner may be exercised by the Sub-divisional Officer, Mokokchung, in respect to tribesmen of the sub-division.

VI. The Civil Hospital at Kohima is exempted as a special case from payment of royalty on firewood obtained from the neighbouring unclassed State forest for consumption within the hospital.

A return showing the number of species of reserved trees granted free for dugouts under R. 11 will be submitted annually at the close of the financial year by the Deputy Commissioner, Naga Hills, to the Divisional Forest Officer, Sibsagar division, for incorporation in his forms.

CHAPTER 5

[Under S. 6 of the Elephant Preservation Act, 1879 (VI of 1879)]

Elephant Hunting Rules

1. A licence to catch wild elephants in any mahal or sub-division of a mahal which will be opened for kheddah shikar, with or without mela shikar and in which elephant catching operations by the forest department will not be undertaken, shall be granted to a selected manager by the Deputy Commissioner within whose jurisdiction the mahal is situated, in consultation with the Commissioner and the Conservator of Forests.

2. Licences to catch wild elephants in any mahal, in which hunting will be by mela shikar only shall be granted by the Deputy Commissioner to individual owners or employers of koonkies after publication of notice in such manner as he shall think fit inviting applications for such licences and after consultation with the Commissioner and the Conservator of Forests.

3. All licences shall be in the form prescribed in Appendix A or to the like effect.

4. The licensee shall pay royalty on all elephants captured (excepting those released under Cl. 13 of the licence from dying or killed) in the attempt to capture, or during or after capture at such rates as may be laid down from time to time by the Provincial Government.

5. Only such persons shall be licenced to manage kheddah shikar mahals as can be trusted to work personally in their mahals and not merely through agents, and who have shown their capacity not only for catching but also for training and looking after elephants mercifully.

6. A licence shall remain in force for one hunting season only.

7. Hunting operations shall not begin before 1st October and shall close not later than 15th March, but the Deputy Commissioner may permit the building of stockades from any date after 1st August. During April, May and early June mela shikar on a small scale, called Gajali Shikar, may be permitted under R. 2 above in suitable areas when considered desirable.

Explanation. In this rule term "Hunting operations" means all operations prior to and including actual capture.

8. The Deputy Commissioner in consultation with the Divisional Forest Officer and the licensee shall, from time to time, fix the depots to which all captured elephants shall be sent. A subordinate forest officer shall ordinarily be placed in charge of each depot or group of depots.

9. The Deputy Commissioner and any officer specially authorised by the Commissioner in consultation with the Conservator of Forest in this behalf may release or destroy or put under medical treatment at the expense of the license any captured elephant suffering from lack of fodder or of water, or by reason of mutilation, starvation or other ill-treatment.

10. The licensee shall not carry any guns during mela shikar and not more than 4 guns per stockade at any other time.

11. The Deputy Commissioner not later than the time of issuing the licence shall inform the licensee what silvicultural and other operations by the Forest Department are likely to be undertaken in the mahal so far as the Conservator can then see.

12. Rules 2, 5, 6, 8 and 11 above shall not apply in the case of elephant catching operations undertaken by the Forest Department of the Provincial Government.

NOTES

These rules were framed *vide* Notification No. 4392 R, dated 14th November, 1930.

EXECUTIVE ORDERS REGARDING THE ELEPHANT HUNTING RULES

1. The maintenance of a stock of wild elephants suitable for any elephant hunting area shall be ensured by regulating the length for the intervals of rest or by limiting the number of stockades, the hunting season or the number of koonkies to be employed, but not ordinarily by limiting the number of elephants that may be caught during the season.

2. The Deputy Commissioner in consultation with the Divisional Forest Officer shall report by the 1st of February in each year to the Commissioner as to the necessity for elephant hunting operations in his district during the following season, indicating the areas where such operations should be undertaken, and the Commissioner after consulting the Conservator of Forests shall

report by 1st of May in each year for the sanction of the Provincial Government what areas should be-opened, what method of capture should be allowed and what royalty should be charged for each elephant caught.

3. The Conservator of Forests, after consulting the Commissioner, will sumbit by 1st of June in each year for the sanction of the State Government a list of any areas in which it is desired to conduct elephant hunting operations by the Forest Department. After sanction the Deputy Commissioner concerned shall issue a licence under the Elephant Preservation Act, 1897, in the name of the officer-in-charge of such operation in the following form. No royalty shall be payable in the case of elephants caught in operations by the Forest Department :

"I hereby grant to ... ... this licence to capture wild elephants within the area described below in the district of ... ... subject to the provisions of the Elephant Preservation Act, 1 79 (VI of 1879) and the rules made thereunder :

Boundaries

North ... ...

East ... ...

South ... ...

West ... ...

Dated ... ... Deputy Commissioner."

4. When it is decided by the State that khedda shikar area should be opened for a second season, the Deputy Commissioner in consultation with the Conservator of Forests may renew the licence of a manager who has worked satisfactorily during the previous season.

5. The Deputy Commissioner in whose district it is decided to open a mahal should arrange that necessary licences to catch elephants and carry arms are issued to the mahaldar well ahead of the date of opening of the mahal as the success of the operations frequently depends upon the prompt receipt of these licences. Depot officers also should avoid delay in issuing transit passes when demanded by the purchasers of elephants after payment of the royalty due to the State as any delay in this matter may prevent the profitable disposal of the elephants by the traders.

6. When issuing licences Deputy Commissioners should inform Mahaldars that male elephants that are too big for the koonkies to tackle may be destroyed as soon as they are caught in a stockade. The mahaldar must report such occurrences immediately to the Depot Officer, and in the case of tuskers should deliver the tusks, which remain the property of the State at the nearest forest office.

No royalty will be paid on elephants thus destroyed.

7. **Rewards to finders of elephant tusk**. (1) In order to make the production of tusks more attractive to finders and to prevent smuggling and loss of revenue, the finder of a tusk will be given a reward in a single and final payment up to 30 per cent. of the estimated sale value of the ivory. To enable Divisional Forest Officers to estimate the value of ivory for the purpose of the payment, a scale of value shall be fixed by the Conservator of

Forests, for each district or group of districts, from time to time corresponding to the fluctuations in value according to size, weight, etc., of the ivory. The Divisional Forest Officers should obtain sanction of the Conservator of Forests to the payment of reward for the full amount of 30 per cent. of the value. This rule will not apply to the Garo Hills where the Deputy Commissioner has full discretion in the matter of granting rewards to the finders of elephant tusks.

(2) The Conservator of Forests has been authorised to sanction the payment of rewards for the production of elephant tusks in the Naga Hills District up to 50 per cent. of the value.

NOTES

The executive orders regarding the Elephant Hunting Rules were framed *vide* Government letter No. 1989-R, dated the 27th June, 1931.

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8. Executive orders. (1) Licences in the form approved by the State for the destruction of mature male wild elephants may be issued by Deputy Commissioners, free of any charge or fee, to approved sportsmen who have had previous shikar experience with big game in areas where crops or property are liable to be destroyed or human life endangered by these animals.

(2) Licences should generally be made valid until the following June 30, and in any case, for not more than 12 months,

(3) The Divisional Forest Officer should usually be consulted regarding the persons who can be safely entrusted with licences and no license-holder, to whom he has objection, should be authorised to enter any reserved forest.

(4) A licence should not be renewed in the case of any holder who, it is found, fails to kill most of the elephants at which he fires, who when requested to do so does not assist as much as might reasonably be expected in the destruction of dangerous wild elephants in the vicinity of his home, who is suspected of breaking game and other laws, who fails to observe S. 74 of the Assam Forest Regulation, or who, for any other reason, becomes considered an unsuitable person to remain a licence-holder.

9. A court-fee of twelve annas should be strictly insisted upon by all Deputy Commissioners on each application for a licence to catch wild elephants.

NOTES

These executive orders were added by Memo No. FOR-334/2205-08-R, dated the 25th July, 1935.

CHAPTER 6

MISCELLANEOUS RULES

(B) Royalties from quarries

Supply of forest produce to other Government departments

In Central Government Circular No. 2-F , dated the 24th January, 1889, it was decided that the revenue realised from quarries and minor mineral products in Government forests and lands, which are under the management of Forest Department, should be credited to "Forests" ; but where such forests and lands are not under the management of that department, to "Land Revenue (Miscellaneous)."

The question whether, under these rulings, the Forest Department is entitled to charge royalty to another department of Government upon minerals taken from the forest area, has more than once come before the Central Government : but, though it has usually been decided, on these individual references, that the Forest Department was entitled to levy a royalty on all materials supplied to other departments, no definite general ruling on the subject has yet been laid down. The Central Government now consider it desirable to issue formal orders in the matter for general guidance, in ordef to secure uniformity of procedure and to prevent the possibility of misunderstanding. They consider that a distinction may properly be drawn between vegetable products which strictly appertain to a forest as such, and animal products which depend for their existence, either directly or indirectly upon the presence of the forest, on the one hand, mineral products, the existence of which is independent of the fact that the land is a forest, on the other. They consider, also, that it is undesirable to extend to contractors working for a Government department, any privileges which the department itself may enjoy when operating directly by its own establishment.

They direct therefore that the Forest Department shall charge other Government departments for all vegetable or animal products extracted from a forest area, in the same manner in which it charges the public ; and that it shall similarly charge contractors for all mineral products extracted by them, whether on behalf of a Government department or not. If a Government department extracts mineral products for sale, they also will be charged for. But the Forest Department will not charge other Government departments for mineral products extracted from a forest area by the direct agency of the department concerned under its own supervision and without the intervention of contractors or middlemen, for its own use, and not for disposal to the public or other departments. For such products the Forest Department will take no credit in the Public (Treasury) Accounts of Government. But for statistical purposes the value of these products should be shown in the returns furnished by the Forest Department, just as the value of timber and other forest produce removed by free grantees or right-holders is already shown.

The ruling that certain forest products shall not be charged for if directly extracted by other Government departments for their own use, in no way confers upon such departments any right of entry upon or of working in the areas under the charge of the Forest Department. That department retains its full powers of control ; and, subject to the orders of superior authority, will continue to fix and limit the localities where such extraction may take place, and to impose any conditions which it may consider necessary for the safety of its forests and the convenience of its own work.

The above rulings will apply, *mutatis mutandis* to every class of forest or waste land at the disposal of the State independently of the agency by which such land may be administered.

(*B*) *Construction of roads*

Construction of roads through reserved forests by tea planters

The Conservator of Forests is authorised to permit the construction of roads through reserved forest by tea planters when such roads are likely to prove of advantage to the Forest Department on the following conditions :

(i) That the breadth and alignment of the road be approved by the Divisional Forest Officer.

(ii) That timber growing on the proposed alignment of the road may be utilised free of charge for the purpose of constructing bridges and that, if necessary, additional timber may be granted from the reserves for this purpose.

(iii) That the road will remain reserved forest, and no rights of any kind whatever in the land covered by the road will be conferred on the planter constructing it.

(C) Encampment in forests

Troops in reserved forests

With a view to prevent complaints of damage being done in Government reserved forests on the passage through such forest of troops and camp followers of any regiment or detachment, it has been arranged with the military authorities that at least two weeks' notice of the date of marching and the route to be followed shall, except in cases of sudden emergency, be given by the Officers Commanding to the Divisional Forest Officer, with a view to enable the latter to depute a forest guard or other official to accompany the troops, and to point out to them which trees and saplings or other forest produce may be cut and which may not be cut. No permission will, however, be needed to collect dead firewood.

It should be understood that no clearances whatsoever should be made in Government reserved forests, and that the places of encampment should be restricted to the grounds provided for that purpose.

(D) Rewards

Rewards may be granted to any Officer in the public service who is not a Gazetted Officer, and to informers, as follows :

(i) When a sum of money has been accepted by way of compensation under S. 62 of the Assam Forest Regulation, the Conservator of Forests may award any portion of such sum not exceeding one hundred rupees ; or a Divisional Forest Officer, specially empowered by the Conservator in his behalf may, in the like circumstances, similarly award any portion of such sum not exceeding 20 rupees.

(ii) When a person has been convicted by a Magistrate of an offence under the Assam Forest Regulation, the Deputy Commissioners at head quarters and in sub-divisions the Sub-divisional Officer, may, on the application of the Divisional Forest Officer, award a sum which is not in excess of the amount recommended by such Forest Officer and of the proceeds of any fine or confiscation, or both ordered by the convicting court. The Divisional Forest Officer should submit his recommendation to the Deputy Commissioner or the Sub-divisional Officer, as the case may be, through the trying Magistrate, who will add such remarks as he thinks necessary. In the case of prosecution instituted by the police the recommendations for rewards should be submitted by the prosecuting officer through the trying Magistrate, the Superintendent of Police and the Divisional Forest Officer being informed of the action taken in order to give them an opportunity of amending the recommendations of the prosecuting officer if necessary.

If no fine or confiscation has been ordered by the convicting court, or if the proceeds thereof are in the opinion of the Deputy Commissioner or the Sub-divisional Officer, as the case may be, insufficient for the purpose, the Deputy Commissioner may, on the application of the Divisional Forest Officer, grant a reward not exceeding the amount recommended by such Forest Officer, to be paid out of the funds at the disposal of such Forest Officer ; provided that a Divisional Forest Officer or prosecuting officer shall not recommend the payment of a reward under this rule in excess of Rs. 20. If they consider that a large reward should be given, they should refer the matter to the Conservator who is authorised to recommend a reward exceeding Rs. 100.

(iii) In cases other than those mentioned in Cls (i) and (ii) the Divisional Forest Officer may grant a reward not exceeding twenty rupees and the Conservator may grant such rewards in excess of twenty rupees : provided that no reward exceeding two hundred rupees shall be granted under this rule in any one case ; provided also that no reward shall be granted under the foregoing rules to any Forest Officer unless he has displayed unusual ability, diligence, courage or acumen or endured exceptional hardship or risk.

Note. (1) Deputy Conservators of Forest and Extra Deputy Conservators of Forests have been authorised by the Conservators of Forest to grant rewards.

(2) This rule is applicable for the purpose of granting rewards to finders of rhino horns.

Conservators of Forests are authorised to sanction the grant of a reward not exceeding Rs. 100 to any person who gives reliable information regarding the commission of a forest offence : provided that he is not concerned by any way in the commission of this offence.

(E) Duties of Mauzadars in unclassed State forests

In the Assam Valley Districts tahsildars and mauzadars will be in immediate charge of, and responsible for the management, and due observance of rules relating to unclassed State forests within their jurisdiction under the order of the Divisional Forest Officer. All breaches of the rules relating to such forests must be reported by them to the Divisional Forest Officer. They are also responsible for making rules issued under the Forest Regulation known to all persons concerned throughout their respective jurisdictions. They are further bound to prevent the felling and removal from the unclassed State forests in their charge of wood or other forest produce, except where such felling and removal is authorised by the rules in force relating to such forests.

In the Surma Valley unclassed State forests will be in the immediate charge of subordinate officers of the Forest Department under the orders of Divisional Forest Officer. The tahsildars of the Surma Valley will have no concern with such forests.

The system of managing unclassed State forests in force in the Assam Valley districts, is extended to the Jaintia parganas of Sylhet. The subordinate officers of the Forest Department will continue to take part in the management of unclassed State forests in Jaintia as they do in the Assam

Valley, issuing permits, controlling fellings, and enquiring into breaches of the forest rules. The tahsildars in Jaintia will be responsible for the observance of the rules relating to unclassed State forests in their respective jurisdictions under the Divisional Forest Officer ; they will be required to report any breaches of the rules which may come to their notice, and will be empowered to issue trade and home consumption permits.

Instructions to mauzadars in matters concerning raiyats must bear the Divisional Forest Officer's signature and vernacular translations must be carefully scrutinised to avoid errors.

The Conservator of Forests is authorised to import coolies for the use of the Forest Department whenever it appears advantageous to do so.

(F) Sale of Forest Mahals and Coupes

(1) In selling forest mahals in unclassed State forests due regard should be paid to the requirement of local villagers who need forest produce for any home industries that may be carried on. In such cases either smaller mahals should be formed so that they can be taken up by the local people or a certain area of the forest land should be reserved so that the necessary forest produce for the home industries can be extracted under the ordinary permit system.

(2) When formation of a new forest mahal is proposed, it should be carefully considered how such mahal may affect the use of forests and of waste lands in it by the surrounding population and the Deputy Commissioner must be consulted before new mahals are formed. The list of the mahals to be sold in each district should be carefully examined by the Deputy Commissioner in consultation with the Divisional Forest Officer and all mahals that are likely to bring in very little revenue and the retention of which in the sale list cannot be supported by any special reason from a departmental point of view, should be struck off the list. This should, however, be done without prejudice to the right of the State to reconstitute these mahals should circumstances justify such action in the future.

(3) Forest Officers, when disposing of timber, should consider and make such arrangements as are possible to supply on reasonable terms the domestic needs of the surrounding population and in order to encourage local people to work in the forest as traders, the size of the coupes should be reduced, where this is practicable.

(4) The sale notice of a forest mahal or coupe should be in the vernacular and should state the name of the mahal or coupe, its approximate area and other particulars necessary for its identification, the term and price for which it was sold on the last occasion, the term for which it will now be sold and the date, place and conditions of the sale. The notice should be published at least a month before the date of sale at all range offices within the locality covered by the mahal, at the local thana, subregistry office, circle office, at the Kutchery of the Deputy Commissioner or Sub-divisional Officer and in the bazars in the neighbourhood of the mahal. The Divisional Forest Officer should consult the Deputy Commissioner or the Sub-divisonal Officer concerned as to the particular places where the sale notices should be published and the latter officers will give any necessary assistance in the publication of the notice.

(G) *Appointment of Honorary Forest Officers*

Selected Indian and Europeon gentlemen, living in the vicinity of Game Sanctuary or Forest Reserves, may be appointed Honorary Forest Officers under S. 3 (1) of the Assam Forest Regulation by the Conservator of Forests, Assam ; provided that they are in a position to render assistance in the protection of forest and the preservation of wild life ; and provided that the Deputy Commissioners and the Political Officers concerned have no objection. Such appointments, a list of which will be submitted every three years for approval of the Provincial Government, will be renewable after every three years and in each case will be limited as regards jurisdiction to the particular areas where the assistance of Honorary Forest Officers is required. All Honorary Forest Officers will be assistants to the Divisional Forest Officers in the areas for which they are appointed, but without jurisdiction over the divisional staff. They will exercise powers, in whole or in part, as shall be determined in each case by the Conservator depending on whether the appointment is for the general protection of the forests or only for the preservation of wild life, under Ss. 49, 49-A, 60 and 61 of the Assam Forest Regulation. They will become liable under S. 58 (1), and will be bound to take appropriate action under S. 74.

NOTES

The words "every three years" and "after every three years", were substituted for "annually" and "each year" *vide* Government letter No. FOR 351/58/132, dated 21st September, 1967.

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