

PROTECTED FOREST RULES OF JHARKHAND

Very few Forest-Officers know about the Various Protected Forest Rules which were notified by the State Government in under Indian Forest Act, 1927 so that local people can meet there requirements easily and without hindrance. Such Rules are

- (i) Chhotanagpur Protected Forest Rules**
- (ii) Kolhan Protected Forest Rules**
- (iii) Porahat Protected Forest Rules**
- (iv) Santhal Pargana Protected Forest Rules**
- (v) Dalbhum Protected Forest Rules**

the last two are as below:-

SANTHAL PARGANAS PROTECTION FOREST RULES UNDER SECTION 32 AND 41 OF THE INDIAN FOREST ACT (XVI OF 1927)

The following rules are prescribed for the management of protected forests in Santhal Pargana (now District of Dumka, Deoghar, Pakur, Jamtara and Sahebganj)

Rules 1:- In these rules: -

- (1) “**Bazars**” means such areas containing shops and homesteads of non-agriculturists as may from time to time be locally notified as such by the Deputy Commissioner;
- (2) “**Minor forest-produce**” means forest- produce other than trees and timber (including fuel) in respect of the purchase of which a royalty is payable under these rules; and
- (3) “**Jhuming**” means the system of cultivation which consists in felling the forest on a selected area, burning the cut material, and sowing one or two crops in the ashes and then, after reaping, leaving the area to lie fallow for a number of years before re- cultivation.

Rules 2:- No person shall cut, fell, convert, collect or remove trees or timber or collect, introduce, remove, sell, purchase or barter forest- produce, or pasture cattle, or

clear or breakup land for cultivation, or shall cause any of such acts to be done, except as provided by these rules.

Rules 3:- All occupiers of Government land outside the limits of bazars who are resident within the Damin-i-koh Government Estate, except such as pay rent for their home stead lands may fell, convert and remove to their homes, but only for their own domestic use and not for any kind of transfer whatsoever whether permanent or temporary or absolute or conditional ---

- (a) free of charge, all trees and timber of an unreserved species and all other forest- produce whatsoever
 - (i) In Santal-villages and such Paharia villages as have been settled—within the limits of the village in which they reside; and
 - (ii) In other Paharia-villages—within the areas from which by custom they are entitled to be supplied;
- (b) Trees and timber of a reserved species – on payment of a royalty equivalent to half the royalty prescribed for the time being in respect of the purchase of such trees and timber, and with the written permission of the officer in charge of the Santal Parganas Forest Division (hereinafter called “the Forest Officer”) within the areas specified in clause (a) :

Provided that in blocks under a working scheme sanctioned by the local Government no trees may be felled or produce removed except in accordance with the provisions of that scheme. Such scheme may prescribe the areas to be worked or trees to be felled annually and the closure of all other areas for a period not exceeding the maximum prescribed in section 30 (b) of the Indian Forest Act, 1927

Rules 4:- Village artisans, such as potters, blacksmiths, and the like, following, outside the limits of bazars, some trade for which an unusually large supply of fuel is necessary, may be granted an annual license by the Forest-officer to remove fuel of any of the unreserved species from any protected forest within the Estate on payment of a fee of Re.1 (one rupee), or such other fee as may be fixed from time to time any the State Government.

Rules 5:- (1) Occupiers of Government land outside the limits of bazars except those who pay rent for their homestead lands may, within the limits of the village within which they occupy land, clear and break up land for the cultivation of *lac* and *tussar*, and may collect and remove for sale or barter all forest- produce except trees, timber, and minerals.

(2) Residents in bazars and persons not resident in the Damin-i-Koh may be granted a permit by the Deputy Commissioner to clear and break up land for the cultivation of *lac* and *tussar* and to cut, collect, and remove for the purpose

of sale or barter any specified forest- produce other than trees, timber, and minerals. For such permit an annual fee not exceeding Rs. 10(ten rupees), or such other fee as may be fixed from time to time by the State Government any be charged.

Rules 6:- Paharia raiyats may, within the villages in which they reside, cut, fell, convert, collect, or remove for sale or barter, trees and timber of an unreserved species, provided that green trees which are over 2 feet in girth at a height of 4 feet from the ground shall not be cut without the permission of the Forest-officer and that trees or timber intended to be taken for sale or barter shall not unless they have been marked with Government hammer, be removed from the site of the stumps.

Rules 7:- Except as provided for un Rule 11, all forest- produce which under these rules is allowed to be sold or bartered, shall be sold or bartered at an authorised *hat* or at a toll station established by the Forest-officer with the permission of the Deputy Commissioner in connection with such *hat*, and it shall not be removed by the purchaser from such *hat* or toll station except on payment of such royalty as may be prescribed for the time being.

Rules 8:- (1) Persons desirous of purchasing minor forest- produce for purposes of trade, from forest *hats* or toll stations, and from persons authorized to sell or barter it under these rules, shall be obliged to take out a license from the Forest Officer in the form annexed to these rules.

(2) There shall be a separate license for each class of forest- produce and for each *hat*, or toll station in which the licensee desires to trade. Each license shall be current for one year, unless it is revoked before the expiration of that period, and a fee of Re. 1(one rupee), or such other sum as may be fixed from time to time by the State Government, shall be charged on its issue.

(3) The payment of royalty on sabai grass () shall be regulated by special rules prescribed by the State Government.

Rules 9:- The number and location of the authorized *hats* or toll stations established in connection therewith, as well as the scale of royalties which shall be there levied in respect of the purchase of forest- produce, shall be fixed from time to time by the Deputy Commissioner in consultation with the Conservator of Forests under such rules as the State Government may prescribe. Such consultation shall be necessary only as regards that portion of the estate in which the forests are under the management of the Forest Department.

Rules 10:- *Jhuming*, locally known as *kurao* :-

- (1) Paharia raiyats of Government may *jhumi* –
 - (a) In unsettled areas,
 - (b) In settled villages in the areas which have been set apart for the purpose by the Settlement-officer.
- (2) Trees over 2 feet in girth measured at 4 feet from the ground shall not be cut in the process of *jhuming* without the written permission of the Forest-officer.
- (3) Timber cut in the process of *Jhuming* shall be at the disposal of the persons cutting it; but shall not be removed from the site of the stumps until it has been marked with the Government hammer specially designed for the *kurao* marking, and if it is sold it must be sold in accordance with the provisions of Rule 7 or to a person licensed under Rule 11.

Rules 11:- Within that portion of the estate in which the forests are managed by the Deputy Commissioner an annual permit, in such form as may be prescribed by the State Government, may be granted to occupiers of Government land outside the limits of bazars to purchase for their own use, at places other than authorised *hats* or toll stations, timber cut by the Paharias in the process of *jhuming*. For such permit a fee not exceeding 8 annas (50 paise) shall be charged.

Rules 12:- No person shall do any of the following acts, namely:-

- (a) Cut the stem of any standing tree at a height exceeding 6 inches from the ground;
- (b) Cut up into fuel or fencing material or otherwise damage any timber of a reserved species which could be more profitably used;
- (c) Injure any tree of the reserved species;
- (d) Manufacture charcoal from trees of a reserved species, except in localities previously approved by the Forest-officer; or
- (e) Hunt, shoot, or fish in contravention of the rules on these subjects in force for the time being.

Rules 13:- (1) *Bona fide* cultivators of Government land may graze, free of charge, the cattle kept by them for their own household or agricultural requirements on any forest-land within the limits of the village in which they reside. The grazing of all other cattle is prohibited:

Provided as follows:-

- (a) Where, by custom, *bona fide* cultivators of Government land at present graze their within the limits of an adjacent village to that in which they reside, they may continue to do so.

(b) Cattle, which are the property of residents other than cultivators of the Government estate, and which, in the opinion of the Deputy Commissioner, are necessary for local requirements, may be allowed to graze in the protected forest within such limits as may be prescribed by the Forest-officer, on payment of the grazing fees on the following scale:

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For buffaloes, four annas (Twenty five paise) per head per annum
For all other animals, two annas (Twelve paise) per head per annum.

(c) No cattle or other animals may be grazed in areas closed to grazing under provisions of a working scheme sanctioned by Government in conformity with the terms of section 30 of the Indian Forest Act, 1927. In areas not under a working scheme but in which tree planting is being done, the Deputy Commissioner may, in order to promote tree growth, close any area to the pasturing of cattle for any period not exceeding ten years when there is in his opinion sufficient grazing ground available elsewhere not too inconveniently situated with reference to the village concerned.

(2) Goats and sheep shall not be pastured except in areas set apart for that purpose: Provided that if in any locality there is insufficient waste land to make it possible to set apart a particular area for this purpose the Deputy Commissioner may, after consultation with the Forest-officer, permit such pasturing generally in such locality except in such parts thereof, if any, as it may be considered essential to maintain clothed with tree growth.

Rules 14:- No person shall introduce into the Damin-i-Koh Government Estate any forest-produce without a pass granted by the Forest-officer. All forest-produce introduced into the Estate under this rule shall be sold at an authorised *hat*, and the purchaser thereof shall pay such royalty as may be prescribed for the time being.

Rules 15:- The Deputy Commissioner may, in consultation with the Forest-officer, grant written permission to break up or clear for cultivation, land which is protected forest and which bears trees of a reserved species. Such consultations shall refer only to that portion of the estate in which the forests are under the management of the Forest Department (Now this is not possible due to the forest (Conservator) Act, 1980.

Rules 16:- Royalties shall not be levied on bamboos of the cultivated species grown by raiyats on their own holdings.

Rules 17:- At every authorised forest *hat* or toll station a legible vernacular notice shall be exhibited showing the rate of royalty lievable on each article liable to royalty.

Rules 18:- Nothing in these rules shall be deemed to prohibit any act which occupiers of land in any village are allowed to perform by the record- of- rights prepared for that village by a Settlement-officer.

License for purchase of minor forest produce

[SEE RULE 8 (1) AND (2)]

Fee—Re.1.

.....of
.....sonin the
Santal Parganas district, is hereby licensed to enter the
.....*hat/toll station* in the Damin-i-Koh for the purpose of
purchasing minor forest produce, namelyon the
express condition that he will not remove any such minor forest-produce from such
hat or toll station without first paying such royalty as may be due. In return for this
payment he will receive a pass signed by the *hat lessee* or other person duly
authorized in this behalf. This pass must accompany the produce when it is removed
from the *hat/toll station*; otherwise any Forest Officer may seize and detain the
produce until the undersigned is satisfied that the royalty due thereon has been paid.

2. Any branch of the above conditions will result in this license being cancelled.
3. this permit will expire on the 30th June 19.....

DATED DUMKA.

CERTIFIED that I have read over the above conditions to the applicant and that he has understood them.

DATED

Dalbhum Protected Forest Rules 1938

(Vide No .3120- VIF- 68/38-R and amended by the notification no -770-VI F-50-R.R. dated 8.08.1940) In exercise of the power conferred by section 30 and 32 of the Indian Forest Act, 1927 (Act XVI of 1927), the Government of Bihar are pleased to make the following rules for the management of the protected forests in the Dhalbhum Pargana of the district of Singhbhum.)

These rules may be called “The Dhalbhum Protected Forest Rules 1938” and they shall apply to all protected forests in the Dalbhum Pargana of the District of Singhbhum (Now Dalbhum Paragana is Singhbhum East District).

Rules 1:- Persons who are *bona fide* residents in village under the Dhalbhum Raj Estate from which land has been taken for the formation of the protected Forest of the estate leased to Government and persons who are *bona fide* residents in village which have not contributed any area to the formation of a protected forest block but have been declared at the forest settlement of 1935-36 to have rights in a particular block (hereinafter referred to as villagers) any subject to the rights declared to be there by the Forest Settlement of 1935-36 do any of the following acts, free of charge, within the limits of the protected forests included in their respective villages or allotted to them for the exercise of their rights, namely -

(1) Cut, convert and remove to their homes for their own domestic uses, but

not for any kind of transfer whatsoever whether permanent or temporary or absolute or conditional any green trees or timber not of a reserved species as defined above, any dry trees or timber of whatever kind and any other forest-produce.

(2) Cut, convert and remove such green trees of any reserved species, whose girth at four feet from the ground is not less than two and a half feet as may be required for the construction and repair of their house or for the manufacture or repair of articles for their own domestic use or of implements of agriculture or other industry for their own use:

Provide that:-

- (a) *Mahua* (*Dassia latifolia* syn. *Madhuca latifolia*), *Arjun* (*Terminalia arjuna*) and *Hara* (*Terminalia chebula*) trees shall in no circumstances be cut when room.
- (b) In blocks under a working scheme sanctioned by the State Government, no trees may be felled or produce removed except in accordance with the provisions of that scheme and from the felling series allotted under it for supply of the rights of the respective villages.

Such scheme may prescribe the areas to be worked or trees to be felled annually and the closure of all such other areas as may be approved by the Government as necessary for ensuring and maintaining the rights of the parties to the agreement.

- (3) Subject to such grazing regulations, as may be approved by Government from time to time;
- (I) Pasture any plough bullocks' *bona fide* their own property
- (II) Pasture buffaloes; pack bullocks or cows *bona fide* their own property up to a maximum of a ten in all.

Rules 2:- (1) Licenses may be granted by the Forest-officer

- (a) to any inhabitants of a town or village in the vicinity of the said forest, authorising him to take trees, timber or other forest-produces for his own use; or
- (b) to any person, authorising him to fell or remove trees or timber or other forest-produce from the said forest for the purpose of trade; or
- (c) To any person, authorising him to pasture cattle in the said forest.

(2) Every such licences shall provide for payment by the Licensee at the current rates for all trees, timber or other forest-produce taken, or for any right of pasture conferred thereunder.

(3) The Conservator of Forest shall, with the approval of the Commissioner, from time to time fix the rates to be paid for trees, timber or other forest-produce under this rule and the conditions under which such licenses may be issued including the carrying and production of any such license.

Rules 3:- No person shall cut, convert or remove from the said forest, or otherwise deal with any tree, timber or other forest-produce of the said forest or pasture any cattle therein, except as provided by Rules 1 and 2 above.

Rules 4:- If difficulty is experienced at any time in the control of and felling and extraction of produce by right-holders from areas under working plan or scheme or areas not so controlled, the Divisional Forest Officer may by giving six months notice to right-holders through the Deputy Commissioner insist on all right-holders removing

the produce to which they are entitled and obtaining permits and strictly in accordance with the conditions prescribed on permits which have been previously approved by Government. After issue of such notice if any right-holder fells or extracts any produce without taking out a permit and in contravention of such permit, he shall be deemed to have committed a breach of these rules.

Rules 5:- No persons who is authorized by or under these rules to cut, convert or remove trees, timber or other forest-produce shall injure or wastefully use and any tree of any reserved species, whether in the course of collecting forest-produce or in any other way, nor shall he lop branches or trees, shrubs or bushes of any species for the purpose of feeding animals provided that this prohibition shall not extend to the lopping of Asan (*Terminalia tomentosa*), Kusum (*Scheichera trijuga* syn. *S. oleosa*) Paras (*Butea frondosa* syn. *B. manosperme*) trees, or of trees, shrubs, bushes of unresevered species for the feeding of caterpillars or for the collection of cocoons, or for the collection or better propagation of lac.

Rules 6:- No person shall fell any green tree at a height exceeding six inches from the ground.

Rules 7:- No land in the said forest shall be cleared or broken up for cultivation or any other purpose without the written permission of the Divisional Forest Officer (Now the Government of India under the Forest (Conservator) Act, 1980).

Rules 8:- No person who is authorised by or under these rules to do any act shall use fire in the collection of forest-produces, in the clearing of land for cultivation or for the improvement of pasturage lands.

Rules 9:- Nothing in these rules shall be held to permit any infringement of the Rules for the time being in force in the “Protected Forests” of Bihar for the regulation of hunting, shooting and fishing.