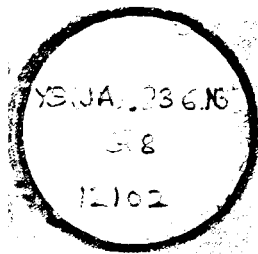


REPORT  
OF THE  
PUNJAB GOVERNMENT  
FOREST COMMISSION,  
1937-38,

*(Reprinted, containing the orders of the Punjab  
Government on the Report.)*



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PUNJAB GOVERNMENT  
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Government on the Report.)*



**Lahore :**  
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1938.

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*I* T is with deepest regret that the Commission record the death of their colleague, Malik Ahmad Bakhsh, M.L.A., on the 11th of January, 1938, at the moment when this report was being submitted to the Press. It was in his constituency that the Commission commenced its labours and devised the method of village-to-village touring which became the standard system throughout. Though this report cannot be signed by Malik Ahmad Bakhsh, it owes a very great deal to his initiative, his energy and his clear-cut criticism. The Commission tender to his relatives their heart-felt sympathy in his early passing.

إِنَّا لِلّٰهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ

No. 2861-C.

FROM

C. C. GARBETT, Esq., C.S.I., C.M.G., C.I.E., F.R.G.S., I.C.S.,  
*Chairman, Punjab Government Forest Commission,*

TO

THE SECRETARY TO GOVERNMENT, PUNJAB,  
IN THE DEVELOPMENT DEPARTMENT.

*Dated Camp Murree, the 26th April, 1938.*

SIR,

I HAVE the honour to transmit the report of the Punjab Government Forest Commission constituted by virtue of Punjab Government Notification No. 4058-E., dated the 4th October, 1937.

2. The Commission commenced its labours on the 28th September, 1937, completed its sittings on December the 20th and the report was sent to the Press on January the 20th.

In the interval which has elapsed since that date there has been very heavy pressure of work in the Government Printing Press consequent on the preparations for and the holding of the budget session of the Punjab Legislative Assembly. A great effort was made to produce the volume before the Assembly dispersed, but unfortunately other more urgent business made this impossible.

3. The report was approved by our colleague the late Malik Ahmed Bakhsh to whose untimely death reference is made in it. Though his signature is lacking, there is no forest matter in the report of which he had not expressed his approval. The report, therefore, may be accepted by Government as presented unanimously by all the members of the Commission.

4. The Commission desire to bring to the notice of Government their high appreciation of the excellent service rendered to them by Mr. A. P. F. Hamilton, M.C., whom Government were good enough to appoint as Secretary. Not only was his control of the office all that could be desired, but also his balanced judgment and breadth of understanding of the difficulties both of the administration on the one hand and of the villager on the other, combined with his expert knowledge of forestry and of everything connected with anti-erosion measures, made his advice on the many difficult problems with which the Commission were faced of the greatest value to them.

I have the honour to be,  
SIR,  
Your most obedient servant,  
C. C. GARBETT,  
*Chairman, Forest Commission.*



*Frontispiece.*

*No. 1.*



**KANGRA TO-DAY.**

**“THE PRESENT GRAZING GROUNDS HAVE BEEN GRAZED BARE.” See page 65.**

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**Proceedings of the Forest Conference held at Ellerslie, Simla East, on Tuesday and Wednesday, the 14th and 15th June, 1938, to consider the recommendations contained in the Report of the Punjab Government Forest Commission, 1937-38.**

**PRESENT :**

The Hon'ble Sardar Bahadur Sardar Sir SUNDER SINGH MAJITHIA, C.I.E., M.L.A., Minister for Revenue,—  
*Chairman.*

C. C. GARBETT, Esquire, C.S.I., C.M.G., C.I.E., F.R.G.S., I.C.S., Secretary to Government, Punjab, Development Department.

R. N. PARKER, Esquire, F.C.H., I.F.S., Chief Conservator of Forests, Punjab and North-West Frontier Province.

H. M. GLOVER, Esquire, I.F.S., Conservator of Forests, Eastern Circle, Punjab.

R. T. JENKIN, Esquire, I.F.S., Conservator of Forests, Western Circle, Punjab.

A. P. F. HAMILTON, Esquire, M.C., O.B.E., I.F.S., Divisional Forest Officer, Simla.

H. D. BHANOT, Esquire, I.C.S., Secretary to Government, Punjab, Finance Department.

W. F. G. LE BAILLY, Esquire, I.C.S., Deputy Secretary to Government, Punjab, Development Department,—  
*Secretary.*

1. The Conference considered the recommendations contained in the Report of the Punjab Government Forest Commission, 1937-38, serially and agreed to, called for a report or ordered further examination of the recommendations. The three courses of action decided upon in respect of each recommendation\* are classified "A, B and C" below :—

"A" meaning accepted by Government.

"B" meaning requiring inter-departmental discussion.

"C" meaning referred to Chief Conservator of Forests for his considered opinion.

---

\*A summary of the decisions will be found at Chapter XII, pages 105—113.

<b>A.</b>		
3·5 (v).	8·1-B.	10·1-B.
6·1-A.	8·2-B	10·3-B.
6·2-A.	(experimentally).	10·4-B.
3·1.	8·3-B.	10·5-B.
3·5 (i).	8·4-B.	10·2-C.
3·5 (ii).	8·1-C.	10·4-C.
3·5 (iii)	8·2-C (2).	10·5-C.
(better furnishing of	8·3-C.	11·1-A.
· bungalows).	8·1-D.	11·2-A.
3·5 (iv)	9·1-A.	11·3-A.
(a minimum of 3 and	9·2-A.	11·2-B.
maximum of 5 years).	9·3-A.	11·3-B.
5·6.	9·4-A.	11·5-B.
6·1-B.	9·1-B.	11·7-B
6·2-B.	9·3-B.	(“ lopped ” to be sub-
6·3-B.	9·4-B.	stituted for “ felled ”).
6·4-B.	9·5-B	11·8-B
6·5-B.	(Chief Conservator of	(Government to fell).
6·6-B.	Forests to note).	11·10-B.
6·7-B.	9·7-B.	11·1-C.
6·8-B.	9·1-C.	11·2-C.
8·2-A.	10·8-A.	11·3-C.
8·4-A.	10·9-A (a) and (b).	

**B.**

2·3.  
6·1-C.  
8·2-C (3).  
10·11-A.

**C.**

2·2.	7·6-A.	10·10-A.
3·5 (iii)	7·1-B.	11·4-A.
(touring with tentage).	7·2-B.	11·9-B.
7·1-A.	9·6-A.	11·11-B
7·2-A.	9·6-B.	(to be left to the discre-
7·3-A.	10·3-A.	tion of Conservator).
7·4-A.	to	
7·5-A.	10·7-A.	

2. The Conference decided also—

- (2) that 500 (including 150 interleaved) extra copies of the Report in English only should be printed. These copies should include the decisions arrived at by the Conference on the recommendations of the Commission in the form of a supplement, copies of which

should also be supplied to those to whom copies of the first edition of the Report have been supplied.

- (b) that copies should be supplied to such of the other Administrations and States as were interested in the recommendations of the Commission, such as, North-West Frontier Province, Mandi, Suket and Chamba States.

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## APPENDIX I

### Proceedings in Attock District.

MINUTES OF A MEETING HELD AT CAMPBELLPUR ON 7TH OCTOBER,  
1937.

PRESENT :

The Chairman.

S. Ahmad Bakhsh, M.L.A., Member.

The Secretary.

ASSISTED BY —

The Deputy Commissioner, Campbellpur.

The Divisional Forest Officer, Rawalpindi (West).

*Corruption amongst forest officials.*—On being asked to explain how he arrived at his estimate that annually about two lakhs of rupees were paid to local forest officials in the form of bribes, Sardar Ahmad Bakhsh stated that his calculations were as follows :—

Average of thirty houses in each of 100 villages concerned, each paying Rs. 5 per month in bribes for all the different forest requirements = Rs. 1,80,000.

This meant so much loss to Government. The Commission should discover means to divert at least a part of this sum into the treasury ; what the people objected to was having to pay this to Government officers, they would not mind paying it to Government.

Illicit grazing and browsing formed the chief source of bribery. The villagers connived with the guards because grazing and browsing was necessary to an extent greater than their rights permitted.

The Divisional Forest Officer remarked that the numbers of animals for which permits were taken out were well below the maximum permitted by the Forest Settlement, and that although this would appear to indicate that grazing was ample, it was not really so. He knew that illicit grazing went on in the closed areas, and probably villagers paid guards to allow them to graze in the closed areas where better grass would be found.

He explained the grazing and closure system in some detail, pointing out that the whole forest was divided into A and B blocks. No grazing rights had been allowed in the A blocks ; in the B blocks certain villages had right to graze and browse sheep and goats, but in these blocks temporary rotational closures were made for regeneration purposes. The scheme of closures had been carefully prepared so as to cause as little hardship to the people as possible. Grazing permits were issued on payment of fees half-yearly ; he did not think the permit system resulted in any difficulty for the people.

Sardar Ahmad Bakhsh was of opinion that a satisfactory grazing scheme was most important. He did not believe that many people cut wood for sale illicitly, chiefly the very poor people did this.

The Chairman inquired whether grazing, as opposed to grass-cutting, was liable to endanger the permanency of the forests; he was informed that, as a general rule, closure with grass-cutting was far more likely to preserve vegetation, while at the same time more grass became available.

*Camel-browsing.*—Sardar Ahmad Bakhsh said that the villagers would probably bring up the question of camel-browsing. There are no rights of camel-browsing but villagers undoubtedly browsed these animals with the connivance of the guards. The villagers' complaint was that Army "silladar" camels were allowed to browse while they were not. He believed that many camels were grazed illicitly along with the "silladar" camels.

The Divisional Forest Officer said that the Forest Department disliked camel browsing as it was most injurious to the forests, but they were compelled to allow the army camels to browse. A browsing scheme had been prepared for the army camels. He admitted that camels were probably grazed illicitly along with the army camels but many of the local villagers' camels were on the books of the Camel Corps and could get browsing in this way.

Recently the number of army camels browsed had fallen, but last year the number increased, and he thought this might be due to the fact that stricter control of the browsing in other parts of the forest had forced villagers to send their animals along with the army camels whose numbers, when checked up, naturally showed a sudden increase.

Sardar Ahmad Bakhsh said that although some camels were kept for domestic use, others were undoubtedly kept for trade. The same applied to goats. He thought that fewer camels were kept now-a-days; he hoped it might be possible to reduce the number of camels and goats.

The Divisional Forest Officer said that local camels were used by contractors for the export of fuel. Although fuel contractors were only permitted to browse a definite number of camels, they almost certainly brought in more. The Grass Farms also used camels sometimes for transport of grass, and camels came into the forest in order to reach the interior guzaras. They were the greatest curse in the forest.

The chairman inquired if it were not a fact that each village possessed a "guzara" and that in some cases, where the Forest Settlement was made, parts of the reserve had been cut off and added to the then existing "guzara".

The Divisional Forest Officer said this was true, but that by now, in most cases, the "guzaras" had been destroyed and were worthless. Cultivation had been extended in the "guzaras" where possible. This was one reason why the pressure on the forest had increased. The chairman suggested that it might be possible, in conjunction with a pasturing scheme which would provide greater facilities for fodder from the forest, to persuade villagers to hand over parts of their "guzaras" temporarily for closure and improvement by the Forest Department.

*Fire-wood extraction.*—Sardar Ahmad Bakhsh believed that contractors working in Government forests extracted for more fuel than the terms of their agreements allowed. This excess might be taken either from the reserved forest, in the form of illicit fellings as a result of connivance with the forest staff, or it might be taken from the "guzaras". In either case it meant an excessive drain on the forest resources and accelerated the disappearances of the vegetation. The villagers, who were not entitled to fire-wood as a right in the reserves, were naturally incensed by this malpractice. He thought that contractors depôts inside the forest were so many illicit trading centres and instanced the case of Jhalar railway station depôt from which, so it was believed, the contractor had booked by rail three times the amount of fuel he was allowed in his contract. He suggested that the Forest Department should extract fuel and stack it outside the forest boundary and there hand it over to the contractors.

The Divisional Forest Officer explained in detail the whole system of fuel extraction. He admitted that contractors did probably steal fire-wood ; it had been largely checked now in Government forest, but undoubtedly went on in the "guzaras" over which they had no control. He said that there were difficulties in the way of departmental extraction and that, as compared with the contractor system, it was generally less remunerative to Government.

*Lopping.*—Sardar Ahmad Bakhsh said that another point likely to be raised by the people was that of lopping. This practice was prohibited, but it formed another source of illicit gratification for the guards and loppings were certainly taken from the forest. The people looked upon olive leaves as a necessary and valuable fodder, as it improved the quality of milk when mixed with dry fodder.

It was pointed out that lopping was one of the greatest evils when trees were lopped ruthlessly, and was an expression of the absence of sufficient grass and field fodders. The Forest Department had everywhere found it impossible to control lopping by rules or quotas. As a result of pressure on the land there was, in fact, insufficient fodder for the cattle. Proper pasture management would have some effect on relieving this pressure.

It was agreed that the Deputy Commissioner should be asked to furnish statistics, village by village, which would help to assess the extent to which the local inhabitants had to rely upon the resources of the reserves for their livelihood.

*Friction between villagers and guards.*—Sardar Ahmad Bakhsh pointed out that it was the custom of forest guards to employ unofficial assistants, locally known as "dangmar" to help them in their beat work. He considered this objectionable as these men had no official standing and were liable to cause trouble.

The Divisional Forest Officer said this was a common practice and not peculiar to Kalachitta. A guard's work was difficult, sometimes dangerous ; beats were large—the largest beat in the protection circle was 17,000 acres, the average beat was 5,000 acres ; these assistants were useful in supplying evidence of forest offences ; it was often very difficult to obtain evidence.

MINUTES OF A MEETING HELD AT AKHORI ON OCTOBER  
7TH, 1937.

PRESENT :

The Chairman.

Malik Ahmad Bakhsh, M.L.A., Member.

The Secretary.

ASSISTED BY —

The Deputy Commissioner, Attock District.

The Divisional Forest Officer, Rawalpindi (West).

About 250 zamindars from the following villages were present :—

Akhori, Buta, Baliawal, Pind Taser, Bhadri, Nawa, Bariar, Jabbi, Humak, Pind Niazi, Bathu.

The chairman opened the meeting with a brief recital of the settlement history of the Kalachitta Reserved Forest. He reminded the meeting that for the use of each village "guzaras" had been marked off from the reserve. He pointed out that at the present time the "guzaras" were almost entirely useless as they had been destroyed by the villagers, who now wanted further concessions in the reserves. He knew that Government were making little or no profit from the forest and that if he were to recommend disforestation and it were sanctioned by Government, in a few years the reserves would suffer the same fate as the "guzaras". He asked the zamindars whether they preferred protection or destruction of the forest. Certain spokesmen replied that they did not want the forest to be destroyed, they should be protected by Government but the zamindars' hardships should be relieved. The chairman remarked that the villagers' difficulties would be discussed under the following heads :—(i) *Grazing*, (ii) *Browsing*, (iii) *Lopping*, (iv) *Wood*, and that the Commission were prepared to listen to all complaints that any zamindar might wish to bring forward.

1. *Grazing*.—The villagers stated that they did not keep more cattle than they required for their own use, if they were reduced they would not have enough manure for their fields. They could not stall-feed cattle because that meant they would have to keep less cattle as too much labour would be involved in cutting grass. They preferred to graze their cattle at all times of the year. They cut grass from the closed areas in the forest, but they did not like the present system of coppice area closures. The area available for grazing was insufficient. Later some zamindars agreed that some scheme by which definite areas would be allotted for grass cutting and grazing might be acceptable.

2. *Camel browsing*.—It was admitted that in village Buta there were about 150 camels. Camels were browsed in the reserved forest by paying the forest guard Rs. 2 per month per camel. They kept camels for trade and for earning money. Camels were necessary for their livelihood as well and they would like to graze camels in the forest on permit. It was suggested that the number of camels would increase if they were allowed to graze in the forest; they admitted this might happen and said that the number should be fixed.

3. *Lopping*.—It was admitted that illicit lopping went on but was justified on the grounds that there was insufficient grass for fodder in the forests. When pressed a few men agreed that a closure scheme to increase the quantity of fodder would help to solve the problem.

4. *Cutting of wood*.—The villagers asked that they might be allowed to take fire-wood on payment and wood for ploughs free. They stated that forest contractors were dishonest and took more wood than they were allowed. They wanted all permits for sales of wood from Government forests to be stopped as the contractors browsed more camels in the forest than they were entitled to. As long as contractors were allowed to remove wood there was no check on illicit felling. They asked also that they might be allowed to take the "lop and top" from the cleared felling areas free.

*Guzara improvement*.—It was suggested that villagers might hand over their ruined *guzaras* to the Forest Department for closure and improvement for a period in exchange for suitable areas in adjoining reserve forest. Akhori villagers were inclined to agree, but it was pointed out that there were 2 kinds of *guzara*.

(i) scattered plots intermixed with cultivation.

(ii) large compact areas adjoining Government forests.

It would not be possible to close the former. Akhori villagers were inclined to agree to the scheme ; the others were disinclined. Jabbi village had no *guzara*.

*Bribery*.—There were many complaints against forest guards who were alleged to accept bribery ; the villagers did not mind paying Government for what they took from the forest but objected to paying the guards.

---

MINUTES OF A MEETING HELD AT CHHOI ON 8TH OCTOBER,  
1937.

PRESENT :

The Chairman.

Sardar Ahmad Bakhsh, M.L.A., Member.

The Secretary.

ASSISTED BY—

The Deputy Commissioner, Attock District.

The Divisional Forest Officer, Rawalpindi (West).

About 400 villagers were present representing the following villages :—

Chhoi, Bagh Nilab, Surgsala, Baroatha, Dher, Dherikot, Sajaunda Bathu, Dakhner.

Proceedings were opened by the Chairman who explained to the meeting the objects, which Government had in view in appointing the Commission.

The lambardar of Chhoi stated that there were 50—70 camels in the village. They grazed in the *guzara*. Camels were kept partly for their own use, partly for "mazduri". Carrying contractors fire-wood, etc. When working with the contractors, a fee of 8 annas used to be charged for browsing, now it has been raised to Re. 1 by the Forest Department. Their *guzara* was insufficient, therefore they were obliged to graze camels in the forest with the connivance of the forest guards. He stated that the number of trees in the forest had decreased ; he blamed Government sales and asserted that contractors removed more than they were entitled to. There were fewer camels in the

villages now, also fewer goats. The villagers did not like the coppice closure system nor the system of auctioning grass to a contractor. He suggested that a scheme of payment for grazing by "tirni" would be preferred by the villagers, a lump sum assessment on the village cattle; permits would be unnecessary and bribery avoided; camels and goats would be included in the scheme. He alleged that the Army and contractors camels were allowed to graze, in large numbers so the 50 camels of the village could do little extra damage. To avoid an increase which might happen as a result of allowing browsing, the number of camels should be fixed and a definite browsing scheme prepared. He complained that there was difficulty in satisfying their fuel requirements and asked that the villagers be allowed to collect dry wood for fuel. To the suggestion that they might be allowed "lop and top" from felling areas, he stated that there was the objection that in some years the felling areas might be too far off.

To the suggestion that permission to take fuel would increase the opportunity for dishonest men to take wood for sale, he proposed that village committees should be set up to check this practice.

The villagers objected to the import of Pathan labour by the Grass Farms for grass-cutting.

The villagers agreed that the forests ought to be protected and should not be allowed to disappear.

*Bagh Nilab village.*—The villagers complained that although their village was near the forest they had been granted no grazing or browsing rights in it and requested that some area in the reserve might be allotted to them.

#### MINUTES OF A MEETING HELD AT BASAL ON OCTOBER

9TH, 1937.

#### PRESENT :

The Chairman.

Malik Ahmad Bakhsh, M.L.A., Member.

#### ASSISTED BY —

The Deputy Commissioner, Attock.

The Divisional Forest Officer, Rawalpindi (West).

The Sub-Divisional Officer, Pindigheb.

About 500 people were present, representing the following villages :—

Mithial, Pind Sultani, Thatta, Ganda Khas, Kali Dilli, Basel, Bhebit, Basal.

The villagers believed there had been little change in the numbers of camels during the last 10 years. Generally speaking the "guzaras" were insufficient for the numbers of animals possessed by them. They asked that some areas in the Government forest might be given to them for grazing purposes, and that camels might be allowed in on a browsing scheme. Some of the villages had no grazing at all in the forest. It appeared that the number of cattle for which villagers had applied for permits was far below that permissible under settlement rules. The villagers explained that the open areas were so poor in grass that it is not worth while taking out permits for them, but they bribe the guards to let them graze in the closed areas.

*Pathans.*—The villagers complained that the Pathan grass-cutters were allowed to bring in an excessive number of cattle without being fined, and the same applied to the fuel contractor. They were willing to supply labour for grass-cutting for the Military Grass Farms themselves. When informed that the reasons why the Grass Farms authorities would not employ them were that they demanded higher wages than the Pathans and were unreliable, they promised that they would form a Committee to work out a satisfactory scheme for the supply of labour and would forward the results to the Commission in a week's time.

They promised to co-operate with Government in preserving areas closed to grazing if a satisfactory solution to their grievances could be found.

*Theft of wood.*—A complaint was made that Mohammad Khan, fuel contractor, had a large stack of fire-wood in Mithial guzara and that he had mixed much Government wood, cut illicitly, in the stack and was despatching by rail.

*Domal* villagers stated they had no *guzara* and demanded grazing in the reserve. They used to graze in the forest before the Settlement.

*Bribery.*—It was alleged that a regular system of bribery existed whereby their animals were grazed and loppings taken by connivance with the guards and that a tariff was customary for the different kinds of animals.

---

MINUTES OF A MEETING HELD AT NARAR ON OCTOBER  
9TH. 1937.

PRESENT :

The Chairman.

Malik Ahmad Bakhsh, M.L.A., Member.

The Secretary.

ASSISTED BY—

The Deputy Commissioner, Attock.

The Divisional Forest Officer, Rawalpindi (West).

The Sub-Divisional Officer, Pindigheb.

About 300 zamindars representing villages Margala, Sagri, Puri and Narar were present.

The villagers agreed that the forests ought to be protected in the interests of posterity. They admitted that they had destroyed their "guzara". There were complaints that some "guzaras" were inside the reserved forests and that when bringing wood from them they were caught and challaned by the Forest Guard where the road passed through Government forest. They said they would welcome a scheme which would give them extended grazing, and at the same time involve the closure of certain areas to grazing.

*Tirmi.*—They would prefer to pay for their grazing through a system of "tirmi," in preference to the permit system.

There were complaints that the forest boundary had been altered to their disadvantage, but no definite facts were forthcoming.

MINUTES OF A MEETING HELD AT JHANG ON OCTOBER 11<sup>TH</sup>, 1937.

PRESENT :

The Chairman.

Malik Ahmad Bakhsh, M.L.A., Member.

The Secretary.

ASSISTED BY —

The Deputy Commissioner, Attock.

The Divisional Forest Officer, Rawalpindi (West).

About 250 zamindars representing 12 surrounding villages were present.

The chief complaint was the taking of bribes by forest guards, and false cases of forest offences. One witness considered that the rates fixed for compensation were too high.

All admitted that they grazed and browsed illicitly with the connivance of the forest guards.

Increased facilities for grazing were demanded and a system of payment by "tirmi" was welcomed.



## APPENDIX II.

### Proceedings in Rawalpindi District.

MINUTES OF A MEETING HELD AT TRET ON 16<sup>TH</sup> OCTOBER, 1937.

PRESENT :

The Chairman.  
S. Fateh Khan, M.L.A., Member.  
S. Uttam Singh, Duggal, M.L.A., Member.  
The Secretary.

ASSISTED BY —

Divisional Forest Officer, Rawalpindi (West).  
About 400 people were present representing 23 villages.

A written statement was read out by Raja Sikandar Khan, who acted as spokesman. This is printed at the end of these proceedings. Most of the villagers present were in agreement with the claims put forward by him. The Chairman then explained the object which Government had in view in appointing the Commission and a long discussion ensued. The main points touched upon were :—

- (1) That the working of the Forest Advisory Committee was unsatisfactory. Proceedings should be more public and members elected and not nominated.
- (2) Efforts should be made to improve the relations between the people and the Forest Department.
- (3) Forest offences should be dealt with by village Panchayats in co-operation with the Forest Department and offenders should be given a proper hearing. It was suggested that this experiment be tried for a period of two or three years in a few selected villages.
- (4) Fines for forest offences were excessively heavy. Guards, it was stated, were in the habit of instituting false cases to cover themselves in the event of inspection of the forest by a superior officer in cases where they had themselves allowed illicit acts in the forest. The villagers agreed that protection of the forests was necessary, but they wanted it to be done in a fair way.
- (5) Applications for trees are submitted by rightholders. The complaint was that the procedure was cumbrous. Applications had to pass through the hands of numerous officials before the trees were marked and this meant inordinate delay. In some cases money had to be passed, it was alleged, before a subordinate officer would accept the applications. In discussion it was suggested that one solution to the problem would be to place responsibility for verification of the applications on the village panchayats.

- (6) *Grazing and fodder*.—It was admitted by some villagers that some zamindars kept cattle for trade purposes. Allowing for this there was not enough fodder even for animals kept for domestic and agricultural purposes. They complained that grass was always of very poor quality in *chil* forests and suggested that where it was very necessary, the Forest Department should make heavy thinnings in *chil* forests in order to stimulate the growth of grass. Some agreed that such areas should be closed to grazing.
- Another complaint was that the villages surrounding the Cantonment and Municipal forests were given very short grazing and must be given more. It was pointed out that the *guzaras* of these villages had all passed into private ownership leaving no common land.
- (7) *Tenders for sales of Government trees*.—The system of tender was considered unfair as it often happened that the highest bidder did not get the contract. The system of sale by fixed rates was demanded.
- (8) *Foreign labour*.—Unemployment was said to be rife in Murree Sub-Division where foreigners chiefly Kashmiri were being employed on forest work. It was pointed out that the local inhabitants did not take readily to sowing work, as they considered it beneath their dignity. Attempts had been made by the Divisional Forest Officer to train local labour in forest work.
- (9) *Sheep grazing*.—A plea was put forward that sheep were grass-eating animals and therefore could do little harm in the forest. Sheep grazing was prohibited under the rules and the villagers asked that they might be allowed to graze sheep in Government forest at a concession. Most of them possessed sheep and they admitted that they grazed them in Government forest with the connivance of the forest guards.
- (10) *Closures*.—The complaint was that some of the closures imposed under closures scheme pressed hardly on the villagers as the boundaries had been carried down too close to habitations.
- (11) *Stacking of fire-wood cut for sale in private lands*.—This was a comparatively new rule and the complaint was that it increased the cost of extracting the fire-wood and lengthened the process of extraction. It was explained that the rule was necessary as a measure to check illicit extraction and sale of *guzara* and Government timber.

TRANSLATION OF A MEMORANDUM READ BEFORE THE COMMISSION  
AT TRET ON OCTOBER 16TH, 1937.

RESPECTED SIR,

We offer our thanks to the Great All Mighty Father that to-day we find amongst ourselves an officer of your temperament and sympathy and one fully conversant with the troubles of our people with the honourable members of the Commission to hear the woeful tales of the helpless zamindars of Murree tahsil.

2. It is a fact well known to you Sir that this part of the country is inhabited by Dhunds, Dhanial, Kethwal and Saties who have no equal of theirs in sacrifice, bravery and unswerving fidelity to the Government but at the same time have no equal so far as poverty is concerned.

During the Great War our people have achieved a very distinguished place throughout India on account of the meritorious military services rendered to the crown. We assure you, Sir, that we all collectively as well as individually are always prepared to make every sort of sacrifice and co-operate with the Government in our individual and collective capacity. "Like a moth we have nothing but our life which we are prepared to sacrifice at your altar."

3. The New Constitution is a great blessing and invaluable gift and the blessing for which our thanks are due to the King Emperor, the Viceroy and other members of the Empire. The promise of the new Government held out that it will be their first and foremost duty to lighten the burden of the zamindar echoes in our ears. We once more thank you for the trouble you have taken to hear complaints and grievances so far as the administration of the forest is concerned and we hereby beg to submit a few troubles which we have to face.

4. Sir we fully and implicitly believe that the preservation of the forest is not only beneficial to the Government but is equally necessary for the good of the country where they grow as has been well put by a very comprehensive poet "That if it does not rain on the hills it is possible that some times the Diatribes may become dry." Rain depends upon the preservation of the forest and unlucky is the man who ever desires the destruction of the forest. Our most honoured prophet has a word of reproach for the professional woodcutter in his sacred and honourable enterprise. We heartily co-operate with the Government. The only thing which we wish to lay before yourself are the troubles which have been imposed upon us by the officials of the department who are responsible for the preservation and protection of forest and which we are unable to bear any longer.

(1) We are closely connected with the forest department in our daily life and this department was established as the supporter and protector and our guide but we regret to say that unfortunately this department like the canal department takes us as an opposing factor and considers us as their opponent instead of their being sympathetic to us. This is how the confidence is being lost daily and we have to represent our grievances and for the solution of it you have taken trouble to come. The forest department and the zamindar are like two respectable neighbours and they ought to have sympathies of the neighbours towards each other and if only officialism is allowed to prevail it will affect the sympathies individually as well as collectively. It is necessary that a new spirit should be infused in the officers and the subordinates of the department to bring about the necessary change in the administration.

The greatest trouble is that from the highest officials to the lowest subordinates of the department everybody turns deaf ear to our complaints. And sometimes the high officials do not understand our tongue which is not excusable and thus our grievances go unheard, unheeded and unredressed. If they have free and open talk it will satisfy the zamindar and at the same time creates a healthy influence over the subordinates. As they keep at a distance so they are unable to know and understand the

actual facts and subordinates become indifferent to the discharge of their duties. The best cure would be to bring about the establishment of the Advisory Committees on an extensive scale. The committee that already exists is only a nominal one and we hardly know what are its aims and objects and who are its members. Instead of such secluded and unknown members the committee of respectable and honourable zamindars of the ilaqa be constituted which should hold its sitting weekly and monthly to hear the small complaints of the zamindar. Thus the complaints of the zamindar can easily reach the officers of the department through the member of the committee and the desires and orders of the officers could be easily propagated among the zamindars. And ever Divisional Forest Officer should be the president of the committee, the range officers and the tahsildars should also be included as the members and the number of zamindar members should be increased. Every Division should have an advisory committee and it is necessary that two zamindars should be selected from each *zail* and they should be selected according to the good work they have done in the Panchayat where the Panchayat exists otherwise the enlightened persons should be selected.

MINUTES OF TWO MEETINGS HELD AT BHURBAN ON THE 18TH AND  
19TH OCTOBER, 1937.

PRESENT :

The Chairman.

Sardar Fateh Khan, M.L.A., Member.

The Secretary.

ASSISTED BY —

The Divisional Forest Officer, Rawalpindi (West)

The Sub-Divisional Officer, Murree.

About 300 people were present representing 18 villages. The chief subject of discussion was that of shamilat partition. The most important points raised were—

- (a) That some shamilats were too small for partition.
- (b) That in villages with widely scattered hamlets it is impossible to make satisfactory arrangements for chiragah under the partition scheme as at present contemplated.
- (c) That it was not necessary to provide chiragah for tenants. The landlords themselves would be responsible that their tenants were given sufficient grazing.
- (d) That if partition were made no chiragah whatsoever should be set aside. What grass was required would be grown on private holdings.
- (e) That the system of partition was unwelcome and necessitated the paying of bribes to the special staff.
- (f) That payment of half the cost of partition from Guzara fund was objectionable.
- (g) There was a measure of agreement to the giving back of land illegally enclosed in the shamilat.

*Panchayats.*—Villagers were unanimous in accepting in principle the suggestion that panchayats should be vested with powers to try forest offences as a means of stopping improper arrests by forest subordinates and avoiding the expenses which offenders were obliged to undergo in making frequent journeys to and from the courts. It was pointed out however that it would be unfair to throw the whole burden of responsibility for running an offender to ground on the panchayat. If the trial of forest offences by panchayats was to succeed, it was essential that there should be co-operation between the panchayat and the Forest Department.

(g) *Bhurban Rakh.*—The following complaints were made :—

- (i) That different rates of compensation were charged for different parts of the forest. It was pointed out that higher rates were charged in areas in which damage was more frequent or which were closed for regeneration purposes.
- (ii) Objection was taken to the sale of green oaks by the Forest Department as the zamindars had a right to the leaves for fodder.
- (iii) A claim was made that as the villagers had a right to dry timber, they also had a right to the dry standing trees.
- (iv) That the rights which they enjoyed in the Government forests were insufficient for their needs and that further concessions might be given to them.
- (v) Permission to graze sheep in Government forests was demanded. If allowed to do so, they would reduce the number of cattle they now kept.

The zamindars agreed that the forests were essential for their livelihood and wished that they should be adequately protected.

*Illicit sales of wood from Guzaras.*—Complaints were made, and strongly voiced, that it was a common practice for contractors working in Government forest to mix timber from the *guzaras* with or without the connivance of the forest subordinates with the outturn obtained legally. There was general agreement of the meeting that this practice was widespread in the Murree tahsil.

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MINUTES OF A MEETING HELD AT CHARIHAN ON OCTOBER  
20TH, 1937.

PRESENT :

The Chairman.  
Sardar Fateh Khan, M.L.A.  
The Secretary.

ASSISTED BY—

The Divisional Forest Officer, Rawalpindi (West).

About 800 people from Charihan were present.

The Chairman opened proceedings by explaining the objects of Government in appointing the Commission. He pointed out that locally economic pressure on the forests was very great and that their maintenance in perpetuity was of vital importance for the welfare of the villagers themselves.

The Chairman stated that, as in all other meetings, the Commission were willing to listen to the complaints of any one, however humble a person he might be and that no one who had a legitimate complaint would be refused a hearing. The subject matter dealt with is given below. A prolonged discussion take place, and the facts elicited and recommendations made by the Commission are recorded in the minutes of a full meeting of the Commission at Rawalpindi on October 27th, 1937,—*vide* page 21, Appendix II.

*Points dealt with—*

- (1) That extended grazing facilities be granted.
- (2) That portions of Government *chil* forest be thinned to stimulate and increased growth of grass.
- (3) That auctions of dry trees to contractors be stopped, as they were required as fire-wood by the villagers themselves.
- (4) That applications for grants of trees for building purposes whether from Government for or from the *Guzaras* were liable to be dealt with after excessive delay.
- (5) That permission should be given to make *nautor* in protected forest in accordance with rule 15 *et seq*, of section 33, Rules for the protected forests in the Murree and Kahuta Tahsils, Punjab Forest Manual, Volume 1.
- (6) That all guards posts should not be filled by appointment of *ex*-soldiers. It was pointed out that the orders provided that not more than 75 per cent. of the posts be filled by *ex*-soldiers and that if suitable *ex*-soldiers were not forthcoming non-military men could be appointed.
- (7) Regarding partition of *shamilat* the inclination of those present at the meeting was against partition. That if partition were to be made, then no *charagah* should be left.
- (8) Dissatisfaction was expressed at the present management of the *guzaras*. It was thought that the panchayats should have some share in the management. They could verify applications, help in controlling *guzara* fellings, in checking and detecting illicit fellings and in trying forest offence cases. The *Guzara* Fund should be *mauzawar*.
- (9) That the Forest Advisory Board should be reconstituted on an elective principle and should include members of panchayats. The activities of the Board should be made more public so that it would command the interest of the people.
- (10) That the right-holders be permitted to graze sheep in the protected forests as they already grazed them illicitly with the connivance of forest guards.
- (11) That the Forest Department should be stopped from selling green oaks for fuel.

MINUTES OF A MEETING HELD AT BANNI, ON OCTOBER 21st, 1937.

PRESENT :

The Chairman.

The Secretary.

ASSISTED BY—

The Divisional Forest Officer, Rawalpindi East.

(Note.—The members of the Commission were absent in Lahore attending the Darbar of His Excellency the Viceroy.)

About 200 villagers were present representing the following villages :—

Karina Kalan, Baduian, Charihan, Bhan, Danoian, Barhad, Kaulthian, Sandsala, Kutli, Balaura, Sirmandal.

SUBJECTS BROUGHT UP BEFORE THE COMMISSION.

1. *Applications for building timber from Government forest.*—Complained that the present system of dealing with applications for building timber from Government resulted in great delay and the obligation to give small bribes to the lower officials. Suggested that verification should be effected through Panchayats. The chain would be as follows :—

Applicant—Panchayat—Divisional Forest Officer—Range Officer—Marking Officer.

2. *Right to dry trees.*—Claimed that whole fallen trees came under the classification of "dry fallen wood".

3. *Sheep grazing.*—Stated that wool was a necessity. They already grazed sheep illicitly; requested that sheep grazing in the Government forests may be conceded. Agreed that the number to be grazed would not exceed that already possessed by them.

*Guzara Fund.*—They protested that the Guzara Fund was used for all sorts of purposes all over the district; so far they had not benefited from it. They wanted a village *guzara* fund. Communications required improvement and the fund could be utilised for this purpose.

*Resin.*—They raised the question of a share in the profits of the resin extracted in Government forests; to which some thought they were entitled. They would not dispute the entries in the *wajib-ul-arz* (N. B.—Verified that there is no such right recorded).

*Marking of trees in guzaras and milkiyat.*—There was a general feeling against the present system of marking and the lack of control. Several instances were cited where it had taken 2-3 years before applicants could get trees marked. Panchayat management was put forward as the best solution to the problem. The Divisional Forest Officer said he was in general agreement.

*Shamilat.*—They preferred to postpone partition at least until the next Settlement. They admitted present encroachments were uneven.

*Goat grazing.*—The demand was that since goats were permitted to browse illicitly by forest guards, browsing should be legalised and *tirmi* charged. The brush-wood forests were bringing in no revenue to Government who were paying for their so-called protection.

MINUTES OF A MEETING HELD AT KAROR, ON OCTOBER 22ND, 1937.

PRESENT :

The Chairman.

The Secretary.

ASSISTED BY—

The Divisional Forest Officer, Rawalpindi East.

(Note.—The member of the Commission was absent in Lahore at the Darbar of His Excellency the Viceroy.)

About 250 people from the following villages were present :—

Karor, Dakhan, Kalabasand, Ariari, Fambli.

1. *Permits for building trees from Government forest.*—In order to shorten existing procedure, which was cumbrous, panchayat verification of applications should be instituted. This would also avoid the objection to pay *nazrana* to patwaris, foresters, etc.

2. *Right to "dry fallen trees" as opposed to "dry fallen wood".*—The Chairman promised to have this legal point examined.

3. A complaint was made that Zamindars cutting trees of "inferior" list in reserved forest were sometime arrested by forest guards, and that guards were excessively strict in enforcement of the lopping rules. They agreed that the preservation of the forest was necessary, and would abide by the rules, but they emphasised that the guards should not be allowed to exceed their orders. The Divisional Forest Officer admitted that some guards might not be absolutely clear on the rules. They must be made clear.

4. *Lopping.*—They wanted that the minimum girth limit of 16 inches for olive should be reduced. They were informed that these matters would be sympathetically considered.

5. *Sheep.*—They wanted to keep sheep for wool; they admitted that they were already short of fodder; they said they would reduce their cattle, if sheep were allowed into Government forest. They also requested that goats might be allowed in Government forest. They said that already goats were grazed illicitly and compensation was taken, also that there were large brush-wood areas from which Government were getting no profit except from fines for illicit grazing. For poor men goats were a necessity. They were informed that the matter would be considered.

6. *Guzara Fund.*—They wanted money obtained from *guzaras* to be paid into a village fund and not a general fund from which they obtained no advantage.

7. *Guzara marking arrangement.*—They said that everything was satisfactory and they had no complaints. They did not want managements to be placed in the hands of *Panchayats*. It was better in the hands of the Honorary Naib-Tahsildar.



8. *Guzara partition*.—They had no objection to partition, but they did not like the leaving out of any *chiragah*. They said they were short of land even for building on, and wanted partition on any condition. They were satisfied with the present partition staff. They admitted that they would use up the partitioned land as seemed best for their livelihood. A representative of Ariari said they did not want partition until the next settlement. The occupancy tenants of Dakhan protested that partition infringed their rights according to the *wajib-ul-arz*. They were informed that the Revenue Assistant would be instructed to report the matter to Government when forwarding the partition papers.

9. *Shisham*.—They requested that they may be allowed to grow *shisham* trees on their land and that such trees might not be classified as reserved trees, and that such trees might be felled without hammer mark. They were told that Government would help them to grow trees if they showed real interest.

10. *Panchayats*.—They wished that forest offence cases might be tried by *panchayats*. Informed that recommendations would be made to Government to try this proposal in a few selected *panchayats*.

11. *Dry trees from reserve forests*.—Requested that 2 trees for each man might be given for fire-wood from the reserve forests.

*Fines*.—They considered that fines were too high.

12. *Private complaint regarding delay in marking thinnings*; "*milkiyat*" *chil forest*.—Mubarik Hussain of Bamrot had tried twice to obtain Deputy Commissioner's sanction to sale of thinnings of 110 trees on his *milkiyat*, to which Divisional Forest Officer had agreed, but up to the present sanction had not been received.

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MINUTES OF A MEETING HELD AT KAROR, ON OCTOBER 23RD, 1937.

PRESENT :

The Chairman.

The Secretary.

ASSISTED BY—

The Divisional Forest Officer, Rawalpindi East.

(*Note*.—The member of the Commission was absent in Lahore at the Darbar of His Excellency the Viceroy.)

About 250 people were present from the following villages :—

Mangal, Kuther, Anguri, Chaba Begwal.

*Sheep and goats*.—The villagers stated that sheep and goats were necessary for their livelihood; they also provided the best manure for their fields. They wanted permission to graze them in Government forest; they admitted they grazed flocks illicitly now in Government forest. They said they would not increase on the existing numbers. Were told that this matter was under consideration.

*Grass Farms closure.*—They complained that they were only allowed to graze for 3 months, April—June, in the Grass Farms areas, and requested to be allowed to graze after all grass is cut, *i.e.*, for January, February, and March as well. They were informed that if cattle grazed for 6 months instead of 3 the grass crop available for military use would be less. However the matter would be referred to the authorities.

*Panchayats.*—Desired that *panchayats* should be availed of to try minor forest offences. They were informed that proposals would be made for well-organised and responsible *panchayats* to take over the duties both of helping the forest staff trace offenders and of trying such cases.

*Shamilat partition—Kuthar.*—Ownership in one family of 7 members, so partition unnecessary.

*Chaba Begwal.*—Villagers said there was only stony ground bushes and *Khad* which were not worth partitioning. The remaining villages said that if partition were to be made they preferred 100 per cent. partition; *they would certainly ask for more rights in Government forest when nothing was left of their guzara.*—They were poor and had to get their livelihood. Otherwise they preferred partition to be delayed at least until next settlement.

*Karor.*—A few Karor maliks stated that the more powerful landlords had taken the best land on partition and that grazing arrangements would be upset. The tenants also stated that they were already having difficulty in getting wood and this would be increased if partition took place.

*Closures.*—Chaba Begwal people complained that compartment 77 (i) was closed; the forest was close against the village, and they had difficulty in getting water. They asked that another compartment might be closed and 77 (i) opened. Assured that enquiry would be made. They also asked that they might be allowed to lop in reserves, as they possessed little *guzara*, and that dry wood might be taken from the reserves.

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MINUTES OF A MEETING HELD AT LEHTRAR, ON OCTOBER 24TH, 1937.

PRESENT :

The Chairman.

Sardar Fateh Khan, M.L.A., Member.

The Secretary.

ASSISTED BY—

The Divisional Forest Officer, Rawalpindi East.

About 300 people were present representing 16 villages.

*Reserved Forests.*—That they had rights in reserves which are now not allowed to them. That in 1916 full grass concessions were given in reserves, but that a year or two ago Divisional Forest Officer closed all these forests. The Divisional Forest Officer stated that no rights were ever given in reserves A, but that some were granted in reserves B. The concessions referred to were made in a famine year.

*Rights in trees.*—That compartments 37 (1) and (2) were closed to rights in trees as exploitation has cleared out all trees that could be felled silviculturally.

*General closure.*—9 (i) *Protected forest.*—Seventy-seven acres were closed right in front of Kamra village. Assurance was given that these complaints would be looked into.

*Grass Farms areas.*—Areas given up by Grass Farms are still closed by Forest Department on the same system, i.e., grazing only—allowed for 3 months. It was pointed out that grazing in these reserves is a matter of concessions but it was promised that the concessions asked for would be given to them if practicable.

*Cultivation.*—There were some areas in the forest, flat and capable of irrigation, they asked that these areas might be leased to villagers for cultivation by the Forest Department. Informed that this matter is 70 years old and was settled at the original settlement and cannot now be opened, but it was a matter that might be considered by the Forest Department.

*Dry standing and fallen trees.*—Asked for concession: were informed that the Divisional Forest Officer could grant them dry trees, and that the matter would also be considered by the Commission. The danger was that some villagers ringed green trees so that they died and then took the dry trees.

*Goats.*—Said they could not keep sheep because the spear-grass caught in their wool and eventually worked its way into the skin. Most of those present agreed that a tax should be applied, and a limit fixed to the number of animals allowed in. Promised whole matter would be considered.

*Challans.*—Ages of alleged offenders not entered in the challan papers by the reporting guards and often small children were challaned.

*Panchayats.*—Suggested that *panchayats* should try petty forest cases. One party refused, wanting cases to be tried by the Tahsildar.

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PROCEEDINGS OF A MEETING HELD AT KAHUTA, ON THE 25<sup>TH</sup>  
OCTOBER, 1937.

PRESENT :

The Chairman.

Sardar Fateh Khan, M.L.A., Member.

The Secretary.

ASSISTED BY—

The Divisional Forest Officer, Rawalpindi East.

About 500 people, representing 15 villages were present.

After the Chairman had explained the terms of reference to the Commission, Subedar Khushal Khan of Panjar raised the following points about the partition of the *Guzara* :—

(1) He stated that general opinion was in favour of partition provided that the partition extended to the whole area. No one wished a nursery (*zakhira*) to be reserved.

The Chairman gave an assurance that there was no intention on the part of Government of using the reserve otherwise than for the benefit of the village.

It was admitted that if the whole area were partitioned all the trees would rapidly disappear.

It was finally stated that some villages would be glad to have partition while others, e.g., Silitha, preferred to retain their *guzara* as an investment.

It was agreed that villages desiring partition should send their recommendations to the Special Officer who would consider first whether there was sufficient *guzara* to make partition advisable : and secondly what area should be so reserved.

(2) That goats and sheep be allowed to graze in the scrub jungle.

It was admitted that safeguards must be laid down against over-grazing, also that to some extent grazing animals do graze illicitly.

The Chairman stated that the problem was not new and that the Commission were giving it careful attention.

(3) It was also stated that in rakh (J) Jeem rights were prescribed in the *wajib-ul-arz* which were denied to them in fact.

It was admitted that the claim was based on hearsay.

The Chairman promised to have a copy of the entries of the *wajib-ul-arz* published in a local paper. There was no intention of reducing their legal rights : and if there had been infringements, they would be restored.

(4) It was requested that as a reward for fire protection local villagers should be granted right to purchase jungle produce as against outsiders who out-bid them.

It was pointed out that they were co-sharers in the produce of the jungle and that Government revenues must be maintained.

(5) From reserved jungle B-2 it was alleged that Forest Guards arrested people collecting fallen dry wood.

It was admitted that such arrests were illegal. The Chairman promised that steps would be taken to put a stop to this.

(6) A plea was made for a more generous grant of wood for building purposes.

When the present *wajib-ul-arz* was drafted, smaller houses were in fashion and larger trees available. The ration of 3 trees was no longer sufficient.

It was pointed out that Deputy Commissioner for *guzara* and Divisional Forest Officer for protected rakhs already have power to increase the grant to which right-holders are entitled.

(7) It was claimed that controlled firing destroys grass and renders the ground liable to be washed away in the rain.

It was admitted that controlled firing was as it were a surgical remedy. The Forest Department will be consulted on the suggestion of finding the alternative.

(8) Complaint was made that Guards occasionally harassed and that the burden of litigation was heavy.

It was agreed that the Forest offences should be heard by touring magistrates. In this way most, if not all the complaints would be met.

(9) It was requested that zamindars be permitted to have free from Government forest dry wood—

(a) for ploughs,

(b) for funerals.

The Chairman promised that the Commission would consider this point.

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A CONFERENCE WAS HELD AT THE CIRCUIT HOUSE ON THE 27<sup>TH</sup> OCTOBER, 1987, WHICH LASTED FROM 10-30 A. M. TO 6-30 P. M.

PRESENT :

1. - Chairman.
2. Sardar Uttam Singh Duggal, M.L.A.
3. Sardar Fateh Khan, M.L.A.
4. Mr. Hamilton, Secretary.

ASSISTED BY—

Mr. J. Read, I.C.S., Deputy Commissioner, Rawalpindi.

Mr. W. H. G. Samler, I.F.S., Divisional Forest Officer, Rawalpindi West Forest Division.

Khan Fazal Muhammad Khan, I.F.S., Divisional Forest Officer, Rawalpindi East Forest Division.

Mr. Nehru, I.C.S., Sub-Divisional Officer, Murree.

M. Sher Muhammad, E. A. C.

For the recommendations the members of the Commission only are responsible. The advice of those who assisted was asked as seemed to be required ; but it is not to be thought that the views of all were taken or their advice followed necessarily on each point.

## DISCUSSED.

### I.—Difficulties arising from the relations of the people with Government.

(a) *Application of the policy of Government with particular reference to paragraphs 6 and 7 of circular No. \*22-F., dated the 19th October 1894, issued by the Government of India.*—In this resolution is defined the policy of Government. In brief, forests are to give way to arable land provided the following conditions are secured, viz., that :—

(i) The supply of timber to the "country" is safeguarded.

(ii) The local demands for timber can be met.

(iii) Erosion will not ensue.

In the Murree hills there was originally followed a system of guzara forests for the immediate needs of the people: protected forests from which their further needs for timber and grazing could be supplemented: reserved forests in some of which there were some small rights other than of way and water, but which, for the most part, were intended to be closed except in these two respects.

The increased pressure of the population on the soil, coupled with the rising standard of living has created on the one hand a desire for rapid disforestation and on the other an increased local demand for building timber. The Finance Department expect the forests not only to pay for establishment: but also to show a profit over and above working expenses. Profits come partly from working the reserved forests—to these Government are definitely entitled—partly from working protected forests. Here the people claimed that their rights of user were superior to Government's claim to profit. Theoretically when the right of user exceeded the original demands because of excessive use, indeed abuse, of the guzara produce, Government could fairly resist this demand. The Forest Department have indeed, never questioned the general principle that where the capacity of the protected forest is equal or is likely shortly to equal the village demand, there should be no working for profit. But the concessions asked for in the meetings of zamindars were often extravagant and if granted in full, would involve rapid disforestation. Nevertheless the possibility of some concessions demanded consideration.

The Divisional Forest Officers pointed out that it would be impossible to give an opinion whether any of the reserved or protected forests could be completely disforested for agriculture without an enquiry that would extend beyond the life of the Commission. *Chil* was important from the point of supplying the wider markets, while Brush Wood had an important local value as fire-wood. Any further disforestation either of timber producing forest or fuel producing forest would almost certainly affect local requirements adversely. The extension of cultivation would in itself indirectly increase the local demand for forest produce.

The Commission could not estimate the extent to which the Murree timber was required for the province. This was a matter which only Government could decide after estimating the needs of the province as a whole and calculating the timber available. The Commission would therefore assume that their recommendations must be

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\*Appendix 5 of Forest Department Code, 7th Edition.

based on the theory that the reserved forests must not be destroyed. If the reserved forests were to remain, obviously the protected could not be allowed to be destroyed entirely.

(b) *Misunderstanding of the rights of the people in trees and the necessity for clarification.*—The Commission found that there was considerable misunderstanding of the rights to forest produce defined in the Forest Settlement. In the numerous meetings it became evident that in some places forest guards and in many the people themselves did not know exactly what were the rights which belonged to them, and what the concessions which the Forest Officer or the Deputy Commissioner could in their discretion grant.

It was agreed that correct information must be disseminated. This could be done either in vernacular journals or in notices which would be widely distributed throughout all the villages concerned. A statement of the villagers' rights should be given to each lambardar regarding his village, and to each forest guard regarding his beat. A copy should go to the nearest school master : and the contents taught as a matter of general knowledge.

(c) *Merits of All-India Forest Service compared with Provincial Forest Service.*—In the Western Circle the tenures of Conservators during the past six years have been as follows :—

* (1) Mr. W. A. Bailey ..	.. From 30th March 1931 to 22nd November 1931 (leave arrangement).
(2) Mr. L. B. Holland ..	.. From 23rd November 1931 to 15th March 1934 (transferred).
* (3) Mr. J. H. Lyall ..	.. From 16th March 1934 to 28th October 1935 (reverted).
* (4) Mr. R. G. Mariott ..	.. From 29th October 1935 to 20th August 1936.
(5) Mr. W. E. Flewett ..	.. From 21st August 1936 to 20th November 1936 (leave arrangement).
* (6) Mr. R. T. Jenkin ..	.. From 24th July 1937.

A Divisional Forest Officer, when posted to a new division, does not expect to retain his post for more than 3 or 3½ years.

It was agreed that these tenures both of Conservators and of Divisional Forest Officers are too short. A satisfactory Divisional Forest Officer should be not less than five years in the same division : and transfers of Conservators *inter se* were generally to be deprecated. The extent to which the frequency of changes was the consequence of the All-India cadre required investigation.

(d) *Claim of the people that the recorded rights be increased if not in number at least in extent.*—A demand had been advanced that the number of trees for building purposes stated in the record of rights should be increased because—

- (i) the standard of living had increased : and more spacious houses requiring more wood were now required.

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\*Transferred from other provinces.

- (ii) The forests were becoming impoverished and smaller trees only were available for distribution.

It was found that the chief source of the trouble was abuse of the existing privileges. Trees had been cut for sale : and not for building : and illicit depredation rather than legitimate use had ruined the forest. No further concessions on these lines were really necessary or could be afforded if the forests were to be conserved.

## **II.—The Difficulties arising from the relations of the people with the local Forest Department.**

### **A.—MAJOR DIFFICULTIES.**

- (i) The Commission found that there is insufficient interchange of views between forest officers and the people : and between forest officers and other departmental officers.

They recommend two remedies. The relations between the forest officers and the people could be improved by insisting on the officers meeting the people more frequently and discussing on the spot the various troubles and difficulties which arise. In this way there would be a mutual understanding of the difficulties of both sides.

Further greater encouragement should also be given to the further study of the vernaculars by forest officers.

- (ii) *Unsuitable closures.*—Some cases of harsh closures were brought to the notice of the Commission.

The remedy recommended is closer control by Conservators. Orders that were incorrect or vindictive should be reversed : and greater care taken that rights of way and water are not obstructed : and that villages are not circled by a ring of closed area. All specific cases of complaint must be investigated at once by the Divisional Forest Officer in consultation with the Deputy Commissioner. Where the closure boundary is found to be too close to the village it should be put further back.

- (iii) *Corruption.*—Bribery is admittedly rife particularly in scrub forests and timber forests near important centres such as Rawalpindi and Murree.

Remedial measures to be emphasized are—

- (a) Rules and concessions be simplified so as to be easily comprehended, coupled with,
- (b) Wide advertisement and instruction of the people and of the subordinate staff therein.
- (c) Stricter control of staff : more extensive touring : and perhaps an extension of disciplinary powers of Forest Officers.
- (d) The pay of Forest guards should in future be remitted by post and not by Range Officers.



(iv) *Improper arrests.*—This was a common cause of complaint. It was admitted that cases of true damage were on occasions supported by evidence that was not true. The difficulty of obtaining evidence is always very great : and while the great majority of cases go unreported even in those in which the culprit is known evidence is not easily forthcoming.

The only remedy the Commission can find is that panchayats be interested in the tracing of offenders. If they will co-operate with the Forest guards as magistrates as well as judges, the complaint of improper or unjust arrests should disappear.

#### B.—MINOR DETAILS.

(i) *Claim for dried trees.*—There was a wide-spread demand by villagers for the recognition of rights in dried trees. It had been pointed out to them that their rights extend only to dry fallen wood as distinct from dry trees. There was a real danger that if rights in dry trees were granted, villagers would take advantage of this by girdling trees in order to kill them.

The Commission agreed that it was not desirable to extend any right in dry trees but that, while it should be left to the discretion of the Divisional Forest Officers to make grants as seemed necessary : Divisional Forest Officers should be prepared to be generous when there was no foul play or improper motive. In other words trees which had died a natural death and would, if fallen, belong to the villagers, should be given to rightholders before they fall.

(ii) *Prohibition of the selling of green oaks.*—Some villages had complained against the action of the Forest Department in selling green oak trees for fuel, as this reduced the amount of leaf fodder available.

The facts are that the people had the right of lopping oaks only in "reserved" B and in protected forests. In these forests the sale of green oaks has now been stopped. In the Patriata reserve sales were still going on but here the people had no rights to lopping. The Forest Department complained rightly that the people themselves were destroying this sort of fodder by their barbarous methods of lopping. If only they could be induced to lop in accordance with the rules, the extinction of the oak forests would be considerably delayed : but it seems impossible to enforce the lopping rules.

The Commission recommend that no promise should be given to stop the felling of oaks in the reserves but that it should be stopped in forests where people had the right to lop. Every effort should be made to obtain the co-operation of the villagers in the preservation of oak trees in their own interests and those of the coming generations. In particular there should be no felling in the Murree Municipal Forest in which the oak was an amenity that should be preserved as long as possible.

(iii) *Improved constitution of Forest Advisory Boards.*—The existing Forest Advisory Boards are not functioning satisfactorily. One Divisional Forest Officer finds it difficult to collect a quorum for the quarterly meetings he summons : the other in six months' experience has never summoned his Board. Members are now either officials

or nominated. After discussion the Commission were inclined to accept a suggestion of the Deputy Commissioner that the Board be reconstituted as follows:—

*Elected Members.*

District Board	..	..	..	..	..	2
Soldiers' Board	..	..	..	..	..	2

*Nominated Members.*

The Divisional Forest Officer.

One member nominated by the Deputy Commissioner.

The Divisional Forest Officer to act as Chairman.

It was also agreed that there should be two Forest Advisory Boards: one for each of the hill tahsils.

(iv) *A general complaint that outside labour was employed.*—The fact is that the people of the hills consider the art of 'sawyer' to some extent beneath their dignity: to some extent beyond their ability. Until local labour is more plentiful and better trained, the Forest Department cannot refuse to employ outsiders. If the administrative authorities can provide trained men in adequate number the Forest Department will gladly employ them.

The Commission recommend that the Deputy Commissioner should do all in his power to encourage the increase of knowledge of the art and the supply of local men.

(v) *Sales of timber from Government forests.*—An objection was raised that outsiders should not be allowed to bid in auctions of Government trees. After some discussion the Commission agreed with the opinion of the Forest officers that open bidding must continue but greater care must be taken in future to prevent the addition of illicit to licit timber.

(vi) *Permission for browsing and grazing of—*

(a) goats, and

(b) sheep.

(a) *Goats.*—The facts are that the villagers do connive with the Guards and browse their goats in Government forests, especially scrub forests, to the benefit not of Government but of the Forest staff. This evil was recognised but had never been brought under control. Money nevertheless is spent on the protection, however nominal, of the scrub forests where the goats feed. Thus two main questions arose.

First, can the scrub forests stand goat browsing without deteriorating?

Second, if so, is it advisable to legalize goat browsing?

The Divisional Forest Officer, Rawalpindi West Forest Division, while admitting that the scrub guzaras were sufficient for the local flocks, advised that the main trouble was goats coming from Hazara during the winter. They helped to destroy the guzaras and probably grazed illicitly to some extent in Government forest. He did not think

that the consequent deterioration in Government forests was appreciable ; certainly not serious. The danger was that if further browsing concessions were given the number of animals would increase, and this increase would be very difficult to check. It was pointed out that between 1906 and 1935, according to the cattle census, the number of goats in Murree tahsil had increased from 23,000 to 31,000 and further grazing facilities must be expected to result in a further increase in numbers.

The Divisional Forest Officer (East) was asked to consider whether it might not be possible to introduce a scheme of rotational browsing for goats the features of which would be permission only for local animals ; the charging of fees, strict control of numbers and the scheme to be tried as an experiment for a limited period. The Commission are disposed to the view that extension of goat browsing would be dangerous, but that the matter would be considered later after the Divisional Forest Officer, Rawalpindi East Forest Division, had prepared his scheme in greater detail.

(c) *Sheep*.—Every village asked for facilities for sheep grazing.

Admittedly, the present position is that as in the case of goats, sheep are now grazed to the benefit of the Guards. The Divisional Forest Officer (West) remarked that experiments carried out in 1906, show that sheep ate mostly grass. Conifers were eaten only when the sheep were very hungry. The Chairman stated that the latest objection recorded by the Forest Department against granting permission for the grazing of goats in Government forests was not that the sheep was a destructive animal : but that no addition could be made to the load to be carried by the forests. Some villages had met this by promising to get rid of surplus cattle if they were allowed to graze goats and sheep. He also pointed out that there was a rise in the economic value of sheep owing to the great demand for lamb-skins.

The Commission consider that there would be no serious objection to the grazing of sheep but that a scheme should be drawn up by which the number of animals kept should be limited per house. The Deputy Commissioner was asked to draw up a scheme in consultation with the two Divisional Forest Officers.

(vi) *Request for grass areas*.—As a result of the general shortage of fodder in their locality numerous villages had requested that special areas in Government forests be set aside for the production of grass : this to be arranged where necessary by heavy thinning in the *Chil* forest to stimulate the growth of grass.

The facts are that normally *Chil* forest, if dense, destroys grass. *Chil* has driven out broad-leaved trees and reduced the fodder resources. The proposal seems *prima facie* practicable.

The Commission consider that experimentally in selected areas this request be accepted and the experiment watched.

The co-operation of Panchayats would be an important feature. The formation of such closures would be at the discretion of the Forest Department. Similar closures would also be encouraged in the guzaras. Such a measure was the more to be welcomed among other reasons because it would be a step in the direction of increasing stall feeding. Seven years ago stall feeding was said to be impossible: it is now being

introduced : and does appear to be the most satisfactory solution of many of the troubles. Moreover the danger of incendiarism would be reduced, if the fodder were thus increased.

(viii) *Nautor in protected forests.*—There was a demand that this be granted freely. This is permissible under the rules with the sanction of the Commissioner. If sanction were given freely the protected forest first and then the reserved would disappear.

Assuming that the preservation of reserved forest is a requirement of the Province, the Commission were not prepared to recommend any change in the existing rules.

### III.—Difficulties arising from the relations of the people with the Deputy Commissioner.

#### (a) GUZARA MANAGEMENT.

(i) *Trees for buildings.*—Villagers complain against the existing procedure. That at present a request usually goes up all the way through the *kanungo* and naib-tahsildar to the Deputy Commissioner : it then comes back for verification and report : and only then are orders issued which again follow the same channels. These channels unless greased are apt to be tardy. The complaints are that this procedure involves unnecessary delay : second, that the applicants are expected to give tips to subordinates : third, that some honorary Forest naib-tahsildars, who are men of affairs, are frequently absent while the Forest naib-tahsildar stationed at Murree is employed on numerous other Government duties. As a result, many applications are inconveniently delayed. To avoid delay, sometimes hammers are entrusted to servants : and sometimes, as the Commission observed themselves, marks are carelessly if not improperly given. Both practices are objectionable.

The facts are that guzara forests are at present under the control of the Deputy Commissioner. For the purpose of dealing with applications for building timber the guzaras are divided into six parts, five of which are under honorary Forest naib-tahsildars and one under a paid Forest naib-tahsildar whose headquarters are Murree. Villagers are entitled to 3 trees every three years for building purposes. Applications are submitted through the lambardar and patwari to the Forest naib-tahsildar who sanctions them and gets the trees marked.

The Commission recommend that applications be submitted through panchayats and that the panchayat's verification be normally considered adequate on the points that—

- (a) applicant is a rightholder.
- (b) entitled to the trees to the number to be stated, and
- (c) requires them for domestic use and not for sale.

Such recommendations would be carefully inspected from time to time : and if the trust reposed in a panchayat were abused, then resort would have to be had again to the existing cumbrous system.

(ii) *Trees for sale.*—The complaint was that orders on applications to sell timber were always delayed and not always just.

The facts are that application for permission to sell trees from the *guzaras* are made to the Deputy Commissioner who usually consults the Divisional Forest Officer. There are extensive blocks of valuable *Chil* forest in some *guzaras* : but the civil authorities have no technical knowledge, and transfers of Deputy Commissioners are frequent, Rawalpindi being a short tenure district. Naturally the management of the *guzaras* has not been of a high standard. Instances were brought to the notice of the Commission both of permission having been refused where the interests of the forest demanded thinning and also of illicit fellings on a very big scale from such inadequately guarded forests. Similarly areas were seen where grass plots could be satisfactorily developed by the removal of superfluous trees.

The separate management of the *guzaras* involves a real danger. Rightholders are allowed trees for their use : not for sale. But where a contractor is working a Government forest near a *guzara*, the temptation to add to his store of licit timber by illicitly purchasing from a rightholder is great, particularly in the vicinity of Murree. If the mixed timber is caught then the further temptation arises to bribe the Ranger to give a sales hammer mark to the rightholder's timber.

The remedy which the Commission is disposed to recommend is that a " Divisional Forest Officer *Guzaras* " be appointed for a term, initially of three years. He will work under the orders of the Deputy Commissioner : but will act in close liaison with the Forest Department. He will advise the villagers on their *guzaras* with a view to the securing for them the maximum permanent benefit from the forest produce of the *guzaras*. Applications for trees therefrom would be considered by him in the first instance, and the Deputy Commissioner would have discretion to delegate powers of sanction to him. The cost at first would be borne by Government. If at the expiry of the initial period it is found that the appointment is greatly benefiting the village funds, it would seem fair to take contribution at least towards the cost of the scheme.

#### (b) PREPARATION OF COURT CASES.

The difficulty of the people is that offenders particularly those whose cases cannot be decided at once, have to go backwards and forwards between their homes and in courts in Rawalpindi. The decision of a case involving the theft of a two-anna load of leaves might involve an expenditure of several rupees. The facts are correctly stated.

It was suggested that cases not entrusted to Panchayats should be dealt with by *naib-tahsildars* when on tour, but the Deputy Commissioner remarked that this had already been tried and had failed because witnesses refused to turn up.

The Commission recommended the following :—

- (i) Better working in the Divisional Forest Offices. In particular, the ages of the offenders must be noted on all *chalans* and the *challaning* of infants avoided.
- (ii) Provision be made to add forest cases to the list of cases triable by *panchayats*. Such power to be conferred in each specific case by the Commissioner. This will involve a small amendment of the law.

(iii) The detection of offences in the forest should at once be reported to lambar-dars by the forest guards : whether the actual offender could be named or not :

(iv) A revised form for report and chalan should be worked out for use by the Forest staff :

(v) Selected tahsildars might be recommended for summary powers for dealing with Forest offences.

(c) FINES AND COMPENSATION.

Complaints were raised that the rates of fines and compensation were so high as to tempt offenders to pay a smaller sum to forest guards. It was suggested that if lower rates were enforced, more payments would reach Government, and bribery would be reduced.

It is beyond the power of the Commission to suggest a stereotyped set of rates, and the difficulty is one which in the view of the Commission, can be adjusted by careful co-operation between the District Magistrate and the subordinate magistrates with the Conservator and the Forest staff.

(d) DIFFICULTIES ARISING FROM THE RELATIONS OF THE PEOPLE WITH ONE ANOTHER.

*Shamilat.*—The whole subject of *shamilat* partition was discussed in detail. The findings of the Commission are printed at pages 50 to 53 of Chapter VIII, " Difficulties peculiar to the Rawalpindi District."

## APPENDIX III.

### Proceedings in the Jhelum District.

A meeting was held at Jhelum on the 7th December, 1937, attended by the principal non-officials of the district and approximately 200 zamindars including Captain Sardar Sir Sher Muhammad Khan, C.I.E., M.B.E., M.L.A. (Central), Raja Ghazanfar Ali Khan, M.L.A. (Punjab) and Khan Bahadur Raja Muhammad Akram Khan, M.L.A. (Punjab). The Commission were represented by the Chairman and Secretary and assisted by the Deputy Commissioner, Mr. Sundar Singh, I.F.S., Divisional Forest Officer, Jhelum, Lala Parma Nand, Divisional Forest Officer (Depôt) and Khan Sahib Allah Yar Khan, I.F.S.

(1) *That in many villages shamilat is inadequate.*—The complaint was that the boundaries of the forest had been fixed in some cases very close to the *abadi* and in others to agricultural land: other villages again had practically no *chiragah* at all. This in some cases was the result of partition of the *shamilat*: but whatever the historical reason the fact remained that many villages were now so situated that their cattle could not obtain their necessary grazing without trespassing.

It is a fact that the complaint is true of some villages.

The solution suggested is that a census be taken in each such village of the number of plough units: that the area necessary for the *chiragah* of the sum of such units be calculated: and that an area of forest be allotted to each village equivalent to the amount of such area plus 25 per cent. By plough unit is meant the area that one pair of bullocks customarily ploughs. This must differ according to the nature of the soil and the habits of the villagers. In this way there will be a belt of *chiragah* round each village. This belt will continue to be shown in the revenue records as the property of Government but the Forest Department will be relieved of responsibility for its control. One-quarter of the whole is to be subjected to rotational closing. A condition will be entered in the *wajib-ul-ars* that Government will be at liberty to resume the whole area if a village persistently abuses the closure. Those present considered this solution satisfactory and were of the opinion that the closure would be respected.

(2) *That a system of rotational closure be adopted for the existing grazing area.*—The complaint was that the present grazing grounds have been grazed bare and unless something is done to revive them they will cease to be productive.

It is a fact that the protected forest allotted for grazing has been excessively grazed and required regenerations.

The Commission recommend that out of the reserved forest an additional portion be allotted to the forest in which grazing rights exists and that a corresponding portion of the present *chiragah* be closed in rotation. The closure will be complete for the full period assigned and the area opened to grazing will be open for 12 months. The object is to extract the maximum pasture from the land, and the method suggested seemed to promise the best results.

(3) *That grazing be permitted in 'A' reserves on payment of terms.*—The allegation is that these reserves are nominally closed: but are in fact heavily grazed to the profit

of the forest guards. It was asserted by one of the spokesmen but not admitted by the Divisional Forest Officer that animals from outside the district more easily obtain this grazing than those belonging to the district.

It is a fact that there is a general consensus of opinion that the forest guards and forest rangers make a very good thing out of grazing in reserve forests and that the sympathy of the people has hitherto been with the illicit graziers and not with Government.

The suggested solution is that a scheme be worked for rotational grazing in the forest on payment of *tirni*. The Divisional Forest Officer will work out the scheme and will consider in consultation with the revenue authorities, i.e., Deputy Commissioner and Settlement Officer, how the *tirni* should be levied.

(4) *That Punjab Forest Manual (1934 edition), Volume I, Chapter 5, Rule 6-I (b) should be rescinded or at least its portion suspended for 3 years.*—The rule runs as follows :—

“ No person shall, without the written permission of the Forest Officer in charge of the division, saw or cut up timber or burn timber for the manufacture of charcoal, bricks, lime or surki on any river used for floating purposes, or on any island of such river, or at any place on either bank of the main stream of such river which is within a distance of three miles from such bank at its cold season level.”

The complaint was that this rule when read with rule 25 at page 36 of the Forest Manual, Volume I, in effect throws the burden of proving that he was an honest man, on each individual who was using timber for any domestic purpose within a belt extending in some cases to 5 miles from the bank of the river at its cold weather level. The protest was that it was unjust to cast such a slur on the zamindars of the Jhelum riverain area.

The facts are that these measures were necessitated in 1912 by reason of the continuous thefts of water-borne timber in the years preceding that date. These thefts had reached the high figure of 45 per cent. of the timber launched.

Further, the rules apply not only to the Jhelum district riverain but to all rivers and their tributaries within British territory detailed in rule 25 quoted at page 36 of the Forest Manual.

It appeared that these rules had been used in some cases as an instrument of oppression. Forest subordinates having claimed that they gave them the right to examine timber which had already been incorporated in buildings and to claim it on behalf of Government unless a mark could be seen.

Obviously logs purchased legitimately from a sale depôt and legitimately sawn on the spot for the construction of beams or rafters would when incorporated in a building not have a mark on each separate piece.

The Chairman stated that obviously rules which obtained over the whole of the riverain area of the province could not be lightly set aside. He suggested that the complaint of indignity was not intended in or to be inferred from the notification. He thought it possible that the rule was being unwisely worked and promised to give this



matter his consideration : but no recommendation such as was asked for could be made without considerable further research.

(5) *That the Division be classed as a 1st class Division, and that it should be in charge of Imperial Service officers.*—The complaint was that as Jhelum Forest Division is classified as a minor division, inexperienced Divisional Officers were liable to be sent there.

Forests are scattered and communications poor.

In the Jhelum area alone there will be a particularly heavy responsibility and a considerably increased volume of work when effect is given to the recommendations of this Commission. For each village bordering on the protected area a scheme has to be worked out showing how much *shamilat* should be added and what grazing should be allowed from the 'A' reserve forest. Although the Commission contemplate relieving Divisional Forest Officer, Jhelum, of the charge of forest in the Attock district, this relief will not compensate for such additional work : and the Commission is of opinion that special care should be taken in the postings to this district.

(6) *That the Division is under-staffed.*—The complaint was that the ranges and the beats are too extensive and the Divisional Forest Officer has to work over four districts with no assistant.

The facts are that the average ranges cover 87,000 acres and the average beats 10,750 acres.

The Commission agree that the staff should be increased and anticipate that with more careful working and greater attention the income also will increase.

(7) *That Government working both through the Deputy Commissioner as regards 27,000 acres of forest and through the Forest Department as regards the rest of the forest area has been in charge of the forest for 70 years and failed to develop what should have proved a valuable property.*—It is a fact that Government has never laid it down as settled policy that the Forest Department should develop the grazing or fuel resources of the rangers in this Division. The only exception has been the special measures taken in the last two years and these are mainly an effort to check erosion.

It is a fact that apparently at small cost the grazing could be considerably developed.

The Commission recommend that the special attention of the Forest Department be drawn to this complaint and that a scheme for development be prepared and worked through the department.

(8) *Free fire-wood.*—That the zamindars be permitted to collect dry fallen wood free of cost for their domestic use in the belt which it is proposed should be given to them for *chiragah*.

The fact is that there is a rate of two pice per head load assessed which is supposed to be recovered by the range officers. In practice very few recoveries are actually made at any rate very little indeed reaches Government.

The Commission considered that dried fallen wood should be given free to the zamindars : provided that it is collected for domestic use and not for sale, in all forests.

(9) *That permission be given to lop olive trees.*—The fact is that the profits of lopping are at present a perquisite of the forest guards. It was alleged that fees as high as Rs. 3 per mensem were paid for the privilege.

The spokesmen agreed that if lopping were allowed, the zamindars would be prepared to respect rotational closures.

The Commission consider that it is impossible to stop lopping so long as the staff is on its present scale, and so long as present standards of honesty obtain. They recommend that a scheme for rotational lopping be worked out by the Divisional Forest Officer, who will consult the revenue authorities in regard to the fees to be levied.

(10) *That the zamindars be permitted to remove "shingles" from the river.*—The complaint was that not more than 5 seers weight of waif wood was allowed to be removed from the river bed.

The fact is that under the rules, waif pieces may be removed provided they do not exceed 4 feet in length or 2 feet in girth. The spokesmen stated that the zamindars would be content if this rule were enforced. It is not necessary, therefore, to make any recommendation except that steps be taken to insist that subordinate staff observe the existing rule.

(11) *That the rules regarding stone quarrying are unsatisfactory.*—Apparently there are two distinct complaints. First: in the Domeli area in which a small quarry is allowed, permits for extraction and removal cost Rs. 4 and the removal is to be completed within one month. The complaint is that this period is too short for the average amount of work involved.

The fact is that one month is the period given on the first permit and this can be extended, by payment of 0-4-0, for a further month. The Forest Department have no objection to making the original period one of two months and this solution will meet the difficulty.

The Commission recommend that it be adopted.

In other areas the complaint is that stone quarries are a fruitful source of illicit income to the forest guards. This is a matter which will be dealt with under the general head of corruption.

(12) *That the system of applying thumbmarks by forest guards on blank chalans is unsatisfactory.*—The complaint is that when a forest guard arrests an individual he not infrequently takes the thumbmarks on a blank piece of paper, which is filled in later and the number of cattle stated to have been caught trespassing, is increased at a later period.

One suggestion made was that forms should be made out in triplicate. It was stated that there had been previous correspondence with the Conservator on the subject and the Commission are unable to suggest any solution until that correspondence has been studied. Similar difficulties had been raised also in the Murree hills. Recommendations were reserved.

(13) *That corruption was rife both among range officers and forest guards.*—The fact is that this complaint is common wherever there is scrub jungle. No features were brought to light which have not already been discussed in the memoranda of the Kalachitta and the Murree hills.

The Chairman drew the attention of the meeting to the help which it was in their own power to afford. They could stamp out corruption by refusing to pay; by bringing to the notice of the Divisional Forest Officer demands for payment; and by refusing to use their own influence in high quarters on behalf of persons properly charged with corruption by departmental officers.

If the *panchayat* system can be introduced and worked successfully in the district many of the opportunities now enjoyed by the forest guards will automatically disappear; and if as a result of the Commission's visit, relations between the people and the department improve, as the Chairman hopes, this in itself will materially assist in the campaign against corruption.

(14) *That the rates of compensation are unnecessarily high.*—The fact is that the actual rates in the Jhelum district are as follows. These compare with the rates in Kangra district, which are as follows:—

A proposal was advanced that rates of compensation should be settled by the Forest Advisory Committee.

The Chairman was inclined to think this solution impracticable as it would be tantamount to giving to the forest advisory committees the powers of a Court. He agreed that the advice of forest advisory committees should always receive respect but he was not prepared to take out of the hands of constituted authority the assessment of the punishment in such cases. The Commission were however already prepared to recommend that forest offences should be among those triable by *panchayat*; that these powers should be extended to all reliable *panchayats*.

(15) *That instead of the present district forest advisory board there be constituted range forest advisory committees.*—At present the district forest advisory board consists of—

- (i) Divisional Forest Officer—*Chairman*;
- (ii) The Revenue Assistant of Jhelum;
- (iii) The Sub-Divisional Officer, Khushab; and
- (iv) Eight non-officials drawn from Attock and Shahpur as well as Jhelum nominated by the Deputy Commissioner concerned.

This body is unwieldy and the Divisional Forest Officer finds it difficult to maintain interest.

The meeting was unanimous in recommending the institution of range forest advisory committees to consist of 2 officials and 3 non-officials. The exact method of constitution proved controversial.

The Commission accept the unanimous opinion that the existing constitution of the forest advisory board is not satisfactory and that in its place local range forest advisory

committees should be substituted. Further consideration was necessary before any recommendation could be made as to the exact constitution or the method of appointment of these range committees. The Commission asked the Deputy Commissioner to consult the Divisional Forest Officer and the spokesmen of the zamindars and then submit recommendations.

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MEMORANDUM OF A MEETING OF THE PUNJAB FOREST COMMISSION  
HELD AT SOHAWA ON DECEMBER THE 8TH, 1937.

PRESENT :

Mr. C. C. Garbett, C.S.I., C.M.G., C.I.E., F.R.G.S., I.C.S.—*Chairman*.

Mr. A. P. F. Hamilton, M.C., I.F.S.—*Secretary*.

ASSISTED BY

The Deputy Commissioner, Jhelum.

Mr. Sundar Singh, D. F. O.

Mr. Parma Nand, D. F. O., Depôt (West).

Among those present who numbered in all approximately 1,000 were Raja Ghazanfar Ali, M.L.A., and K. B. Muhammad Akram, M.L.A. The villagers represented the forest areas of the Chakwal, Jhelum and Pind Dadan Khan tahsils.

The Chairman explained to the conference the difficulties discussed at Jhelum on the 7th and the proposed solutions reached. Those present were asked if they accepted the statement of difficulties as fair and the solutions suggested as adequate. The response was unanimously in favour of the decisions reached.

The following fresh points were raised :—

1. There were some villagers whose *abadis* were separated from their grazing grounds by an area of closed forest. The road through the closed forests is restricted and arrests for trespass frequent. The suggestion was that the closed forest and the open forest be interchanged.

The facts are that closure is necessary for regeneration of the forest and if only that area which is furthest away from the *abadi* is to be closed, then rotational regeneration will become impossible.

The Commission therefore recommend that adequately wide path ways through the forest be permitted so that animals can get through without trespassing. The D. F. O. promised to make arrangements accordingly.

2. That as in the case of reserved and protected forests, so also in the case of civil forest under the Deputy Commissioner arrangements should be made for the improvement of the forest growth.

The fact is that there are over 27,000 acres of civil forest under the control of the Deputy Commissioner. These are leased out from time to time, but no steps whatever are taken to develop them nor has the Deputy Commissioner any special staff to advise him.

The Commission consider that the complaint is reasonable and that these areas should be studied by a forest expert in order that the Deputy Commissioner may be advised how best to develop them, and that development should follow.

3. *That houses be provided at Government expense for forest guards.*—The complaint was that many guards who have not been provided with quarters at the expense of Government have to find themselves billets in the houses of villagers in their beats. This was a source of abuse. Many forest guards did not bring their families and were tempted to tamper with the women of the houses in which they were billeted. A demand was made that guards should live alone in the forest and not in the villages.

It is a fact that many guards are compelled to live in villagers' houses for want of quarters, though rent is paid by Government for them. The complaint that there had been cases of bad behaviour on the part of some guards was so strongly voiced at the meeting that the Commission felt it must be accepted. In the view of the Commission the proper remedy is not banishment of the guards to live in isolated huts outside the village, but the reformation of the guards. The Commission consider that Conservators' powers of discipline should be increased; and that the public should be encouraged to make complaints, where complaints are due, with greater freedom. Very responsible persons themselves voiced complaints before the Commission, none of whom ever mentioned them to the Divisional Forest Officer, although they themselves were the first to admit the sympathy and efficiency of that officer.

When *Panchayats* became general and took an interest in forest work and when after the visit of the Commission relations between the public and the department were improved, this evil would, it was hoped, disappear.

The most the Commission can recommend in the direction suggested is that when possible habitations for forest guards be provided as soon as possible that guards be encouraged in every possible way to live with their families: that the people be encouraged to voice most freely their genuine complaints to the Divisional Forest Officer, that the powers of control of the Forest Officers and Conservators be strengthened, and examples made of guards against whom the accusations made can be established.

4. That in certain reserves there are springs, the use of which is essential in seasons of drought but to which access was denied. The Divisional Forest Officer admitted the fact stated to be accurate.

It is laid down in the Government of India resolution embodied in circular No. 22-F., dated 19th October, 1894, that rights of way and water should not be closed even in reserved forests.

The Commission recommend that the attention of the local forest officers be drawn to this statement of policy which must be followed in the Jhelum district as elsewhere.

5. That zamindars should be allowed to cut trees in the forest which border on their cultivation. The complaint was that individuals had been arrested when taking wood to the market; and the excuse that the wood had been cut either from their own land or from the trees which were damaging their own land had not been accepted.

In the view of the Commission the forest guards were acting rightly. If a zamindar desires to cut down trees in Government land on the allegation that they are damaging his property he should first obtain a permit from the Divisional Forest Officer. This would be granted readily.

The Commission are unable to accept the complaint as reasonable.

6. That damage is done by the urial which are preserved in the forest and that steps should be taken to eliminate them. It appears to be a fact that urial do to some extent damage crops immediately fringing the forest.

In the view of the Commission this is a matter well within the competency of the Deputy Commissioner in his executive capacity and no special recommendation by them seems necessary.

7. That action should be taken to ameliorate the difficulties of those zamindars, who had chaks within the forest reserves.

It was ascertained that there are certain islands of private property situated within the forests, access to which is difficult without particularly careful arrangements to prevent straying of cattle.

It was suggested that such land should be exchanged with an area equivalent in value on the edge of the forest. This solution was welcomed and is recommended to Government.

## APPENDIX IV.

### Proceedings in Kangra district.

PROCEEDINGS OF A MEETING HELD AT PALAMPUR, KANGRA DISTRICT  
ON 20TH NOVEMBER, 1937.

PRESENT :

The Chairman.

Captain Dina Nath, M.L.A., Member.

The Secretary.

ASSISTED BY—

The Deputy Commissioner, Kangra District.

The Divisional Forest Officer, Kangra District.

About 1,200 people representing 111 villages were present.

The representatives of Kothi Kohr and Swar deposed as follows :—

(1) *Building timber*.—Their *ilaga* differed from the rest of Kangra district as it was situated in remote hills and lay under snow for five or six months. As a result of the heavy snowfall the roofs of their houses were liable to fall in every year. Under the rules they were only allowed building timber every five years, and special applications were dealt with after long delay. They asked to be allowed to cut trees without marking. The rules are that ordinarily trees are not granted oftener than five years, though in cases of special need the Deputy Commissioner may grant trees at shorter intervals.

The Commission consider that Kothi Kohr and Swar deserves special treatment on account of its peculiar circumstances, and recommend that the rules be amended, allowing grants of trees to be made annually.

(2) *That Kharshu oak* was a valuable tree, the wood of which was used for making ploughs. But the tree was on the special list and could only be cut after being marked by forest officials who paid infrequent visits to the locality. They wanted to be allowed to cut the trees without marking.

The facts are that Kharshu oak is a most useful tree as, in addition to its timber value, the leaves are used for fodder. Under the rules the lambardar is authorised to issue permits to bartandars whenever they apply for trees. Trees are marked in advance by the Forest Officer and the Lambardar distributes the trees in accordance with the applications he receives. The demand for trees may exceed the number marked, in which case it is the duty of the lambardar to apply to the Forest Department for a supplementary marking.

The Commission realises that difficulties may arise as a result of the existing system, and recommend that in cases where the supply of marked trees runs out, the lambardar be authorised to grant trees, if applied for. It is suggested that he might maintain a

register of trees granted in this way, and report all such fellings to the Forest Officer, who would inspect the register and mark the stumps.

(9) *Mandi State Flocks*.—They highly valued the manure of sheep and goats for their cultivation. Now owing to the increase in *tirni* rates, the Mandi State flocks did not come their way.

The Chairman pointed out that the water utilised by the Hydro-Electric scheme was derived from the slopes of *Kothi Kohr* and *Swar*. It was necessary to maintain as much vegetable covering as possible on the hillsides. Goats destroyed young trees and bushes and the object of the tax was to keep down the number of goats.

(4) *Sowanias*.—The buffalo "sowanias" had never been demarcated; they asked that this might be done.

The facts are that the Deputy Commissioner has already taken steps to meet this request.

(5) *Gaddi flocks*.—The *Gaddis* chief complaint was that from the time of Lyall's settlement up to about 1902 they paid *tirni* twice yearly at the rate of Rs. 2 per 100 goats. Since then the rates had been increased at various times and they were now paying Rs. 15-10-0 per 100 goats. This they paid twice in the year making a total of Rs. 31-4-0 paid as *tirni* in Kangra district. In addition they had to pay *tirni* in Bara Banghal and Lahaul. In all they paid about Rs. 32-8-0 per 100 goats as *tirni* in British India. They did not know why they were being taxed nor how much the tax would be increased. It was already a heavier burden than they could bear.

The facts as stated by the *Gaddis* are correct, except that the first enhancement of rates took place in 1910. In 1932 the Punjab Erosion Committee recommended that the tax on *Gaddi* goats be increased by 100 per cent. on a sliding scale; the half yearly rate then was Rs. 12-8-0 per 100 goats. The proposal of the Erosion Committee contemplates a maximum enhancement up to Rs. 25 per 100 goats.

The census figures of the *Gaddi* flocks shew that there has been little change in the total number of sheep and goats kept since the past 40 years. Separate figures for goats are available only since 1920, since when no lasting reduction has been recorded.

The Chairman explained that a sufficiency of forest and fodder was vital for the good of all. The soil only produced a certain amount of vegetation, it was therefore important to limit the number of animals to what the land could stand. It was admitted by all that both the forest and fodder supplies were deteriorating. He realised that sheep and goats were a necessity and thought it possible that the present *tirni* rate was pressing heavily on the owners of flocks, but the problem had to be considered in the light of the capacity of the land to bear the incidence of grazing.

He was prepared to consider with his colleagues the desirability of grading *tirni* rates in such a way that small flocks pay very low rates while the large owners would pay at higher rates.

(6) *Chil Trees* which spring up on *shamilat* lands other than *ban sarkar* ought to be the property of the zamindars.



The facts are that there are no special rules for Chil trees. The rules of ownership apply equally to all species of trees. The Chairman pointed out that the question of ownership in trees on certain classes of land was being considered by the Commission.

(7) *Income from resin tapping.*—It was thought that since zamindars were given a share in the profits from sales of trees they were entitled to a similar share in the profits from resin.

The Commission stated that they were prepared to recommend the distribution of net profits on resin working on the same basis as for tree sales.

(8) *Grants of trees to right-holders.*—A complaint was lodged that delays occurred when trees were applied for. It was suggested that village committees could help.

The Chairman expressed the hope that village panchayats would be formed as they could be instrumental in dealing with the difficulty raised.

(9) *Trees for Cremation.*—It was stated that villagers could not always get trees for cremation when they required them.

The facts are that trees for cremation are granted by the lambardar on request, it is his duty to inform the rakha of the grant within 10 days.

The Chairman remarked that it appeared that all concerned were not aware of their rights and duties; the Commission were going to recommend that all lambardars and guards be supplied with "parchas" detailing rights and duties and that such matters be explained in the schools.

(10) *Nirgals.*—Nirgals used to be cut free as a right by zamindars, now fees are charged.

The facts are that nirgals may be cut free by right-holders for domestic requirements; fees can only be charged if they are cut for sale. In no case have fees been charged where nirgals have been cut as a right. The Commission were satisfied that the right was not being infringed.

(11) *Departmental burning of chil forest.*—The complaint was that the Forest Department burnt chil forest in order to destroy the dry needles; but the fire also burnt up bushes and dry fire-wood, both of which were required by the zamindars; burning was done in January just when they wanted to cut the bushes. They wanted the burning done at some other time.

The facts are that controlled burning of chil forests is an important fire-protection measure; forests are burnt on a 3 year rotation, i.e., two years elapse between successive burnings. Burning has to be done during the winter when there is least danger of firing the forest; the process lasts two or three months. Burning improves the quality of the grass and is generally welcomed by zamindars.

The Commission recommended that villagers should try and get bushes cut before started and expressed the hope that burning would be burning started as late as possible where it was desirable to do so in the interests of the villagers.

(12) *Closures near cultivation and habitations.*—Some "trihais" or closures were too close to villages; this caused grazing difficulties.

The facts are that the present closure scheme was prepared under the Forest Settlement of Mitchell and Walters ; the object was to draw up a scheme satisfactory both from the point of view of forest protection, and of the right-holders. Some areas near villages were in a very bad state and had urgently required closure for regeneration or erosion purposes.

The Commission agreed that closure near habitations were on principle objectionable, and promised that recommendations would be made to Government, to meet the case.

(13) *Forest standing on waste lands assessed to land revenue.*—The rightholders of Kangra considered that they were entitled to the ownership of trees on waste land assessed to Land Revenue.

Under the British Government ownership of the trees was retained, but the soil was given to the people ; rights of user in the forest were recognised. It was the intention of Government in the various Settlements which had been made, to make a clear line between land on which the trees were owned by Government and that on which the trees were private property. But as a result of certain misunderstandings some omissions had occurred.

The matter was an important one because Government had to consider what possible effects disforestation of plots handed over to private ownership might have on erosion.

Government would require some sort of guarantee that the interests of the people in the plains would not suffer as a result of the change of ownership in the trees.

The Commission were prepared to recommend to Government that trees standing on land described in the Revenue Papers as " ban sarkar milkiyat " be given to the owner of the land without questions. With regard to *shamilat* assessed to land revenue, the matter was a complicated one and required further investigation.

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#### MEETING HELD AT BHAROJI ON SEPTEMBER THE 22ND, 1937.

##### PRESENT :

- (1) Chairman.
- (2) Captain Dina Nath, M.L.A., Member.

##### ASSISTED BY :—

- (1) Mr. B. R. Tandan, I.C.S., Deputy Commissioner, Kangra.
- (2) Mr. H. S. Deans, I.F.S., Divisional Forest Officer, Kangra.
- (3) Mr. W. E. Flewett, I.F.S., Divisional Forest Officer, Hoshiarpur.

More than 5,000 people from 2,089 tikas attended. Of these 1,944 tikas were of tahsil Hamirpur and 145 villages of Dehra. Some zamindars trudged a 3 days' journey of 30 to 45 miles, e.g., those who came from Kotlehr, Raipur, Katrah and Dhameta. It was in fact a record gathering for the district as well as for the Commission. Pandit Bhagat Ram Sharma, Pleader, Dharamsala of Dehra, was among the speakers and counsellors of the Commission.

(2) The following difficulties were presented and complaints made :—

(i) That Government is not entitled to *Ban Sirkar on Malkiyat*.

Analysed the complaint came to this. In 1867 Government had parted with the ownership of all trees on land shown then and in 1868, when Lyall's settlement was completed, as proprietary.

In 1916 Government parted with the ownership of trees on that land also which was recorded in 1868 as 'waste' and in the separate possession of one or more owners : and on which revenue was paid.

Between 1868 and 1916, however, considerable parcels of land had been reduced from *shamilat* to proprietary ; and entered as *malkiyat* in the Government papers. In these papers there was no suggestion that the proprietor had any less right and title to the trees than the proprietor of and recorded as such in Lyall's time.

Accordingly the claim was that the people throughout this period had understood that the trees were their property and indeed had the support of *jamabandis* and entries at settlements in their understanding. They were conformed on this understanding when the land so acquired became subject to land revenue as it did in some cases in the 1891 settlement. Nevertheless, the effect of the Commission of Messrs. Walter and Mitchell had been that Government had taken over as property of Government trees the people believed to be their own : existing on this land on which revenue was levied. As an illustration of how the Walter-Mitchell Commission had worked in practice, an extract was presented from the revenue records of the Dehra tahsil in Tika Chhabbar village Khairian, tahsil Dehra, district Kangra :—

Khasra number.	1868.		1891-92.		1910—14.		
	Area.	Kind.	Khasra number.	Area.	Khasra number.	Area.	Kind.
1	2	3	4	5	6	7	8
151	68 kanals 13 marlas	Bheth ghair- mumkin	3 (previous Nos. 151 and 152).	91 kanals 4 marlas	5 (Previous 3 min).	11 kanals 4 marlas	Banjar Qadim.
152	22 kanals 11 marlas	Uttar Chaharam	5 (Previous Nos. 155, 156 and 157).	123 kanals 12 marlas.	25 (Previous 3 min).	40 kanals 6 marlas.	Do.
155	56 kanals 17 marlas	Bheth	..	..	..	..	..
156	34 kanals 5 marlas	Uttar Som.	..	..	26 (Previous No. 5).	58 kanals 15 marlas	Do.

All these khasra numbers were assessed to land revenue in 1891-92 and out of them 38 kanals were cultivated. Nevertheless, Messrs. Walter and Mitchell in 1917 at first declared all the trees thereon as belonging to Government. Later, 9 kanals of land from khasra No. 152 were excluded but the rest was shown as *ban sirkar malkiyat*.

It was further claimed that the procedure had been irregular.

Under Revenue Law these entries could not have been changed without adequate enquiry and the burden of proof that the trees belonged to Government properly lay on Government.

Mr. Mitchell had made enquiries from village to village but his procedure had been to call on villagers to justify their alleged right to the trees. Where the uneducated villager failed to do so the trees were written down as '*ban sirkar*.' Strictly speaking it was claimed this procedure was illegal.

The relief asked was that the word '*ban sirkar*' should be eliminated wherever it occurred in connection with *malkiyat* or *shamilat* assessed to land revenue.

The Commission found that this aspect of the case was entirely new to them and required detailed study. Their finding and recommendation was reserved (see page 72 of Report).

*(ii) That if Government is entitled to ban sirkar malkiyat and ban sirkar shamilat reduced to individual possession, then as an act of grace the trees should now be given to the maliks and possessors.*

It was claimed that the Government had taken an inordinately long time in reaching its decisions and that in the interval the people had had every encouragement to believe the property was theirs. Whatever the facts *de jure, de facto* the people felt that Messrs. Walters and Mitchell had taken away what in good faith they had believed to be theirs.

The Commission are of opinion that the case of '*ban sirkar malkiyat*' should be considered separately from that of '*ban sirkar shamilat*.' As regards '*ban sirkar malkiyat*,' they were prepared to recommend that all small plots not exceeding 4 acres trees standing in cultivated fields, should be at once placed at the absolute disposal of the owners provided that by felling them there would be no danger of erosion. Should there be danger of erosion then such plots should be handed over to the owners on the condition that the area should not be broken up but so maintained as to prevent any danger of erosion.

As regards larger areas they withheld their opinion pending further consideration. As regards *ban sirkar shamilat* they were prepared to recommend that a survey be made of this : and that where it was reduced to private possession there it should be treated as *ban sirkar malkiyat*.

Where there was *ban sirkar shamilat dakhil bachh* in possession of a whole village they were inclined to recommend that the immediate control should be vested in a panchayat where a panchayat could be successfully formed. If resin were to be extracted, however, it should be an essential condition that the extraction would be under the

supervision of an expert whether belonging to the Forest Department or attached to the Deputy Commissioner, otherwise there would be a great danger of trees being rapidly destroyed. The point however required further consideration.

*(iv) That a share in the profits of all resin be given to the zamindars.*

The facts are that if the trees are sold the zamindars receive a share of the profits. Resin extraction diminishes the value of trees : but at present the villagers while getting their share of the reduced price when the tree is sold, get no share in the resin to the extraction of which diminishes their profits.

The Commission having regard to the logic of the case recommend that the net profits from resin, after deduction not only of direct charges but also of overhead charges, should be distributed to the villagers *pro rata* with the distribution of the profits on the sale of trees.

*(v) That forests in which there were rights should not be exploited to the detriment of the exercise of those rights.*

The Divisional Forest Officers admitted that in the past there had been instances of such exploitation.

The Commission recommend that where, as a result of exploitation, rights were restricted, the forest officers should do their utmost to supply the deficiency from other sources under their control. The principle has already been accepted and should if necessary be reaffirmed that forests in which there are rights must not be exploited to the detriment of the rightholders.

*(vi) That the abadi having extended in some cases to the edge of the shamilat an area should be cleared round the shamilat for further extensions.*

That fact is that the Deputy Commissioner can grant nautor, whether there is undemarcated forest or not, either for new buildings or for cultivation.

The Commission found that the existing policy was adequate, but was not sufficiently well-known. They recommend that the facts that the Deputy Commissioner has authority to deal with applications for nautor be advertised by village officials so as to remove the misunderstanding which appears to exist at present.

*(vii) That trees were not made available to meet emergencies, such as cremations, etc.*

It was admitted that the rules made adequate provision for emergencies but it was claimed that as in a particular instance, which was quoted, prolonged delays not infrequently occurred. The suggestion was that speedy supply was given only to those who greased the way of the application.

The Commission asked the Deputy Commissioner to collect for them the facts of the particular instance quoted in case it might throw a special light on the subject, The rules being admittedly adequate no new recommendations would be made in this respect. But they would recommend that the attention of the officers concerned be drawn to the alleged failure to exercise adequate supervision over the subordinate staff.

(viii) *Where closures were close to the abadi, cattle trespass became unavoidable and prosecutions consequently frequent.*

The complaint is general and under consideration for the whole area as regards existing closures.

As regards the future, the Commission recommend that the Advisory Committee be consulted before closures are made.

(ix) *That the rule whereby a right-holder having land to which rights pertain for more than one tika, can exercise his rights only in that tika in which he resides, be amended.*

It was pointed out that sometimes an individual kept all his cattle in one Tika while he himself lived in another. At present he has difficulty in getting timber for cattle sheds.

It was admitted that if general permission of the nature asked were given, great abuses might arise.

The Commission decided to recommend that individual applicants be permitted to apply for concession in special cases : that such applications should be considered in the first instance by the Advisory Committee ; and that final orders be passed by the Divisional Forest Officer or Deputy Commissioner, as the case might be.

(x) *That the people be encouraged to co-operate with the Forest Department by—*

- (a) *reconstitution of the Advisory Committees on a more popular basis ;*
- (b) *constitution and consultation of panchayats ;*
- (c) *raising the standard of efficiency of the forest guards.*

The facts regarding the Advisory Committee have been dealt with in notes on the meeting at Nurpur. The Commission agree that these Committees should be placed on a more popular basis. They have already recommended the constitution of panchayats.

As regards forest guards, the present difficulty arises mainly from the instructions of Government to recruit 70 per cent. of the men from military sources. This difficulty was explained to those present many of whom were ex-service men. Nevertheless the general weight of the opinion was that it was more important to have trained guards, than to provide more work for pensioners.

(xi) *That the applications for timber were subject to heavy delays.*

The Commission promised to draw attention to this complaint. If panchayats come into being and work successfully, the Commission anticipate that this difficulty will be mitigated, and perhaps entirely removed.

(xii) *That the rights of the jagirdars conflicted with the convenience of the people.*

The Commission stated that this application was outside their terms of reference.

PROCEEDINGS OF A MEETING HELD AT DHARAMSALA ON  
NOVEMBER, 24, 1937.

PRESENT :

1. The Chairman.
2. Captain Dina Nath, M. L. A.
3. The Secretary..

ASSISTED BY :

1. The Deputy Commissioner, Kangra District.
2. The Divisional Forest Officer, Kangra Forest Division.

About 1,000 people representing 134 villagers were present.

1. *Ownership of trees standing on waste land assessed to land revenue.*—The Chairman, in dealing with this point, explained the views of the Commission as expressed at the meeting at Palampur (see page 39).

2. *That trees on shamilat waste should be handed over to the ownership of the villagers.*—The contention was that the soil was owned by the people and therefore they ought to own also the produce thereof. A further complaint was expressed that Government management of the *shamilat* forests was unsatisfactory and that some change was necessary.

The Chairman stated that he was in sympathy with the request but that it would involve a big risk to hand over the huge *shamilat* forest area running into several lakhs of acres without any guarantee that the forests would not be cut down. He and his colleagues were considering what steps could be taken to improve these forests in the interests of the villagers and he hoped that a satisfactory solution would be evolved. He emphasised the importance of the formation of *panchayats* which would be able, as bodies representing the people, to associate themselves with Government in the management of the *shamilat* waste.

3. *That *tirni* on *gaddi* flocks was excessive.*—The complaint and the facts were considered at the meeting at Palampur (see page 40). The Chairman said that the Commission, after considering all the facts, had decided to make the following recommendations regarding *tirni* :—

- (i) for the present flat rate charged for goats a graded rate would be substituted, the object of which was to maintain the level of flocks at that which the land can support. All *Gaddis* would be registered. A number would be fixed for which a low rate would be charged; above this number rates would be increased in accordance with a rising scale, the final figure being prohibitive.
- (ii) that further increases under the present system be stopped pending orders of Government on (i).
- (iii) that young under 6 months be exempt.
- (iv) that on migratory flocks a higher scale of *tirni* should be levied.
- (v) that a proclamation should be issued at once explaining why the tax on goats had been increased and what the present rate was as the *gaddis* seemed ignorant on these points.

4. *That it is now necessary to send in applications for fallen trees.*—The facts are that it is not necessary to apply, but it is best for the villagers to do so as in this way quarrels amongst themselves are avoided.

5. *Nirgals.*—That the cutting of these hill bamboos is a right but it is being interfered with.

The facts are that *nirgals* can be cut as of right for their own domestic and agricultural use and this has never been interfered with. They cannot, however, be cut for sale.

6. *That there should be no restriction on the cutting of grass in trihais and that the grass should not be auctioned to contractors.*—In actual facts grass-cutting is only prohibited in those areas where there are young seedlings. The practice of auctioning grass-cutting areas is preferred generally by the people as it is the only satisfactory means of distribution. The contractor is generally one of themselves. The higher bidder buys the areas and the right-holders buy from him in accordance with their requirements. The sum paid by the contractor to the Forest Department is paid back to the villagers at the end of the year. It appeared that the real trouble was that in one or two instances sufficient notice of intended auctions had not been given.

7. *Lopping rules.*—The rules allowed lopping up to half the height of the tree, but forest guards often stopped them doing this.

The fact is that the rules are difficult to put into practice. Opinions might differ as to where half the height of a tree might come. It appeared that the rules were difficult to understand or to enforce.

8. *Rights of Gorkha pensioners.*—They stated that they possessed no land, but lived on their pensions. They said they had rights for wood for fuel and cremation, but the forest officials would not let them even take axes into the forests.

The facts are that the pensioners' lines are near the Municipal Forest, where they have done much damage and complaints against them had been made to the Forest Department. The pensioners had no rights in the forest, the removal of dry wood as fuel was allowed to them only as a concession.

The Chairman explained the matter to the pensioners and suggested that some agreement should be come to with the department through their Soldiers Board, or some committee might be formed which would be responsible that no damage may take place.

9. *Pay for rakhas.*—The complaint was that the system whereby *rakhas*, whose duty it was to prevent damage in the forest and arrest offenders, had to remunerate themselves by taking payment in kind from those very people they might any day have to arrest, was incongruous. Government ought to pay these *rakhas* for doing their work, even if it was not more than Rs. 2 per month.

The Chairman agreed, that the system was bad and promised that he and his colleagues would consider the complaint and make what recommendations they could.

10. *Tax on sowanadhars buffaloes.*—The complaint was that the tax of Rs. 2 per buffalo paid by sowanadhars should not go to Government but to the zamindars on whose land the buffaloes grazed.

The facts are that this tax is taken by the District Board. These sowanadhars avail of the amenities, such as schools, roads, dispensaries, etc., provided by the District



Board, who were therefore entitled to levy some contributions from the sowanadhars. The Chairman remarked that the subject was not one which the Commission were empowered to deal with.

11. *Cattle tax.*—That the Cattle Tax imposed at the last settlement on cattle owned by zamindars should be levied only on animals kept for trade purposes.

The Chairman pointed out that this matter concerned settlement and was not within the scope of the Commission.

12. *Waste land management.*—Rai Sahib Moti Lal Kaistha recommended the placing of all barren lands under *panchayat* management for improvement such as, tree-planting, re-grassing, etc. He said much might be done in this way.

The Chairman said he was entirely in agreement with the proposal.

13. *Revenue Staff.*—It was suggested that all local staff should be recruited from hill people, as men from the plain did not understand hill people and were unable to stand the arduous work.

14. *Fines too high.*—The complaint was that fines for petty forest offences were excessive.

The Chairman replied that fines were meant to be deterrent. If too small, the people merely looked upon them as the price paid for forest produce.

He, however, suggested that, although the amount of the fine must be at the discretion of the Divisional Forest Officer, the power should be so wielded as to be in accord with the merits of each case.

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PROCEEDINGS OF A MEETING HELD AT NURPUR ON THE 25<sup>TH</sup>  
NOVEMBER, 1937.

PRESENT :

The Chairman.

Captain Dina Nath, M. L. A., Member.

Secretary.

ASSISTED BY :

The Deputy Commissioner, Kangra.

The Divisional Forest Officer, Kangra.

Representatives of the following villages were present :—

Re.	Bhalakh.
Dhadho.	Ladori.
Nurpur.	Diana.
Kothiwandan.	Khanni.
Gharoli.	Talara.
Nana.	Larath.
Budhwal.	Banoli.
Gandhran.	Suliali.
Fatehpur.	Jamgar.
Indora.	Thehr.

(1) *The lopping rules.*—The complaint was made that the lopping rules were too strict : in particular the rule prohibiting lopping of branches more than the thickness of a finger was too harsh and was in fact impracticable. Zamindars lopped the trees in their own fields more freely and the trees were not adversely affected.

The facts are that the rules permit the lopping of trees up to half the height provided that no branch thicker than a man's finger may be cut and that no tree of girth less than one *hath* at breast height may be lopped. In actual practice these rules are rarely observed by the villagers and the Forest Department has found it exceedingly difficult to enforce them.

The Chairman explained the necessity for lopping rules pointing out that excessive lopping accelerated the death of trees and had already resulted in the destruction of much forest in Kangra district. He asked the representatives of the zamindars if they could put forward some suggestions for the amendment of the rules which would serve both the needs of the villagers and the interests of forest conservancy. In the discussion which took place it was made evident that the problem was a difficult one. The villagers stated that already the forest was scarcely large enough to satisfy their requirements in lopping. It was also pointed out that of the numerous species of trees habitually lopped by the people, several did not normally reach the minimum girth limit of one *hath*. Opinion was unanimous that rules of some sort were necessary if the trees were to be preserved from early destruction and the Commission finally decided to make the following recommendations :—

*Lopping rotation* —That forests subject to rights of lopping should be divided into two equal parts each of which would be opened, and closed in alternative years to lopping.

*Side branches up to 3 inches diameter may be cut.*—No tree under one *hath* in girth at breast height to be lopped, but that it would be left to the Forest Advisory Committee to decide what species of trees normally fail to reach this girth limit and which should be exempt from this rule before.

The main stem and top shoot of trees may not be cut.

That these rules be given a trial for four years after which period local opinion would again be consulted.

(2) *Thorn hedges (Kharbandi).*—The rule requiring rightholders to obtain permit from the lambardar before they could cut thorns for making hedges round their fields was unnecessary and gave trouble without doing any good. The zamindars did not cut more than they required for their actual needs.

The facts are that under the rules a zamindar is required to obtain a permit from the lambardar before he can cut thorns for hedging. Lambardars invariably grant permits to the extent applied for.

The Commission consider the request reasonable and recommend that the rules be so amended as to allow the cutting of thorns for the purpose of making hedges without a permit from the lambardar : but that if the cutting of bushes resulted in clearance of the ground followed by erosion it would be necessary for Government to close such areas.

(3) *Planting of trees by zamindars in "ban sirkar".*—Zamindars claimed that if they planted trees in 'ban sirkar shamilat' these trees were their own property and should be entered as such in the revenue records.

The facts are that rules providing for this already exist but they have not been put into effect.

The Chairman drew the attention of the local officers to this omission and promised the villagers that action would be taken.

(4) *Cattle Tax.*—The complaint was that the cattle tax was unfair and should be abolished.

The facts are that the cattle tax had been imposed at the last settlement, the object being to effect reduction in the number of sheep and goats kept by zamindars for purposes of trade. The tax had been remitted, in respect of 1,405 tikas which own no forest land or which had no forest rights in the forests of any other *tikkas*. As a result of this tax there had already been a considerable reduction in the number of sheep and goats. The tax is credited to the District Board.

The Chairman explained that it was beyond the powers of the Commission to make recommendations with regard to this tax. It was a matter for the next settlement. He was, however, prepared to bring to the notice of Government the discontent which the tax occasioned in the district.

(5) *Tirni collected from Gaddis and Gujjars.*—It was claimed that the villagers were entitled to the *tirni* in both cases as the animals were grazed in the forests in which the villagers themselves had greater rights.

The Chairman pointed out that the Gaddis held their rights to pasture direct from Government under settlement rules. The matter might be brought up at the next settlement.

With regard to the gujjars, the facts are that non-rightholding gujjars pay tax of Rs. 2 per buffalo to the district board.

The Chairman remarked that the gujjars made use of the amenities provided out of the district board funds. It was therefore quite justifiable that they should contribute something to the district board. This was also a matter which could be decided at the next settlement.

(6) *Share of income from resin tapping.*—The villagers claim that since they received a share from the sale of Chil trees they were entitled to a similar share from the profits of resin tapping.

The Chairman explained that this question had come up at previous meetings. The Commission were prepared to recommend to Government that the request of the zamindars should be granted.

(7) *Closures (trihais).*—The complaint was that in several cases closures bordered on habitations and that in some cases watering places were enclosed or the paths to them stopped. The special cases of Silakha forest was cited. The closure was in the centre of three villages and the path to the usual watering place had been stopped as a result of the closure.

The facts are that some closures had been selected near villages as being in urgent need of regeneration either on account of erosion or lack of trees.

With regard to the Silakha forests a way through the closed area was allowed under the rotational closure rules, but the villagers disliked using it as it had not been fenced in and the cattle were liable to stray in the closure on either side.

The Commission recommend that when fresh closures are to be arranged for they should be selected so as not to cause inconvenience to the neighbouring villages and that villagers, or preferably village committees, should be consulted.

Regarding Silakha forest, the Commission requested the Divisional Forest Officer to make a personal investigation on the spot.

(8) *Compensation and pound fee.*—It was a hardship that offenders should be obliged to pay both compensation and pound fees on cattle caught grazing illicitly. They should only have to pay either one or the other.

The facts are that only about 20 per cent. of the cattle for which compensations have been paid have also been impounded. It was sometimes necessary to impound cattle pending investigation of the forest offence.

The Commission were not prepared to make any recommendation.

(9) *Transport of wood by zamindars across the river Beas.*—Zamindars of Indora and Re stated that they own land on both sides of the river Beas. They frequently had to convey wood obtained from their own land and required for their own use across the Beas river. They were often stopped by Forest Guards and told that they must register property marks and obtain rafting permits. Such timber, they pointed out, was not intended for purposes of trade but merely for agricultural or domestic use, and it was most troublesome to have to obtain permits to convey this timber across the river.

It is a fact that rules 3 and 7 of the River Rules notified under section 41 of the Indian Forest Act of 1927 require the taking out of permits and the registering of property marks before timber can be conveyed by river.

The Commission consider that it was not the intention of the rules to regulate the conveyance of zamindars' private timber from one side of the river to another as in the circumstances explained, and recommend that rules 3 and 7 of the above-mentioned River Rules be amended so as to exempt the transport of timber by zamindars for their domestic or agricultural use across a river.

(10) *Tax on gujjars' buffaloes.*—The complaint was made that some land-owning gujjars were compelled to pay tax on their buffaloes. The legality of this tax in such cases was questioned.

The facts are—

(a) Gujjars who are zamindars owning a whole *khata* number, are exempt from this tax since they are rightholders.

(b) Buffaloes not used for trade purposes are also exempt.

If these two conditions are not fulfilled, buffaloes are liable for taxation.

The Commission were not satisfied that the tax was being levied in accordance with these rules in all cases and recommend that the Deputy Commissioner should investigate.

(11) *Tirni on Gaddi flocks*.—Two demands were made :—

(i) Tirni should not be charged on Gaddi flocks which merely graze in zamindars fields and do not enter forest land.

(ii) New gaddis should not be allowed to graze in Government forests.

With regard to (i), tirni is not charged on flocks which remain on zamindars' fields. A recent case had occurred, however, in which tirni had been so levied. There was no authority for it and the matter was under investigation.

With regard to (ii), the Commission were recommending registration of all gaddis and their flocks, with a view to regulate their grazing on the basis of the fodder capacity of the land.

(12) *Wood for cremation*.—A request was made that trees required for cremation might be marked well in advance so that the supplies would always be available.

The Commission drew the attention of the local officers to this matter.

(13) *Ban sarkar shamilat and ban sarkar milkiyat*.—There were two grievances :

The first was a general one that it seemed unjust that Government should retain rights on the trees when the soil was owned by the people.

The second, that trees standing on '*ban sarkar milkiyat*' in particular ought to belong to the people.

The Chairman explained to the meeting in considerable detail the opinion of the Commission on this matter and the recommendations which they were prepared to make to Government (see minutes of the Dharamsala meetings, page 47).

*Forest Advisory Committees*.—It was considered that the Forest Advisory Committees should be popularised and that members should be elected and not nominated.

The facts are that there is a District (excluding Kulu and Hamirpur Tahsil) Forest Advisory Committee and four Tahsil Forest Advisory Committees.

*The District Committee is constituted as follows :—*

*Officials—*

Chairman—The Divisional Forest Officer.

Member—The Revenue Assistant.

*Non-officials*.—Three members elected by non-official members of the District Board.

*The Tahsil Committee* are constituted as follows :—

*Officials—*

The Divisional Forest Officer.

The Tahsildar.

The Forest Range Officer.

*Non-officials--*

5 { 2 nominated by the Deputy Commissioner with Commissioner's approval.  
2 nominated by the District Board.  
1 nominated by the Deputy Commissioner in consultation with the Divisional  
Forest Officer and with the Commissioner's approval.

The Commission recommended that no change is necessary in the constitution of the District Advisory Committee, but that for the Tahsil Advisory Committees all non-official members should be elected as follows :—

4 members by the District Board.

1 member by the District Soldiers' Board.

## APPENDIX V.

### Proceedings in Kulu Sub-Division.

PROCEEDINGS OF A MEETING HELD AT MANALI ON THE 8<sup>TH</sup>  
NOVEMBER, 1937.

PRESENT :

The Chairman.

The Secretary.

The Divisional Forest Officer, Kulu.

The Assistant Commissioner, Kulu.

The following villages were represented :

Manali

Nasogi

Shalin

Bashisht

Prini

Jagat Sukh

Gojra.

About 300 people attended. Gupat Ram of Jagat Sukh spoke on behalf of the villagers.

*Closures.*—Some closures were too close to the villages. They thus provoked contravention of the rules : from which resulted penalties such as fines : and so resentment.

The facts are that these closures are made for the purpose of regenerating the forests. Their position had been selected by the Settlement Officer and the Forest Officer after consultation with the people. When parts of the forest nearest the villages had suffered most it was essential that they be selected first for regeneration. Some of these closures had been in existence for 15 or more years and were now approaching the time when they could be opened to grazing again. Rights of way and water were not affected by these closures.

The Commission were not prepared to recommend that any change should be made with regard to existing closures, but they would recommend that in the future when fresh closures had to be selected, the villagers would be consulted : and where possible closures would not be near habitations.

*Grass-cutting.*—The complaint was that in the early days of the forest settlement, about the time of Mr. Lyall, there were extensive grassy slopes known as "phats". In these the villagers cut grass and fired the slopes in spring in order to improve the quality of the grass. Now trees have sprung up over these grass lands and the amount of grass available has been reduced, while firing was restricted by the department.

It is a fact that some grass lands have been reduced in value as such owing to the spontaneous growth of trees. Firing, too, was allowed only between certain dates.

The Commission found no immediate solution for the difficulty caused by spontaneous growth : but drew the attention of the Divisional Forest Officer to the complaint regarding the restriction on firing : and added that great care should be taken to advertise dates on which firing would be allowed as much in advance as possible : and also to permit extensions when weather conditions permitted and firing was delayed.

*Tirni.*—The inhabitants of Kulu wore woollen clothes all the year round. They made the clothes themselves and required sufficient sheep to supply the wool. One way and another it cost them one rupee a year to keep a sheep ; this cost included the following “tirni” payments :—

In Kulu	..	..	..	..	2 pice.
In Lahul	..	..	..	..	1 pice.
In Mandi	..	..	..	..	9 pice.

Three annas was more than they could afford.

The facts are that large flocks of sheep and goats are not kept everywhere in the Kulu valley ; but chiefly by villagers of Jagatsukh and Manali Kothis.

It was explained that the alteration of fees charged in Mandi or other States was beyond the jurisdiction of the Punjab Government. “Tirni” had been assessed at settlement : and this Commission could not take up the revision of the Settlement figures. Government did appreciate the importance of the wool trade and were considering what steps could be taken to improve the breed of local sheep.

*Trees standing in regeneration areas.*—In some cases trees granted to rightholders are marked in areas under regeneration. In such cases, if in the process of felling, the grantee damages a young tree he is liable to fine. This liability was the subject of complaint.

It is a fact that trees are sometimes so marked. But it seems not to be known that the Forest Department profess willingness to exchange any tree so marked, if the zamindar concerned feels he cannot safely fell it.

The Commission consider that the possibility of exchange should be noted on the lambardars’ sanads : and made clear to Range Officers. If this provision is worked with reasonable sympathy, the complaint may be expected to disappear.

*Trees for burning the dead.*—The complaint was that cases had occurred where rightholders have been fined by the Forest Department for cutting trees alleged to be unnecessarily large. This was a hardship and villagers ought to be allowed to cut as large a tree as might be necessary for the purpose.

The facts are that no permit is required for the cutting of trees for cremation purposes provided that the trees do not exceed 3’—6” in girth. A rightholder who fells a tree under these rules is required to inform the rakha or other forest official of his having done so within ten days.



The Commission found that the rules were adequate : but were not generally known. When published in accordance with their recommendation at page 14 of Report : they trusted that this complaint also would disappear.

*Government exploitation of undemarcated forests.*—The villagers of Shalin protested against the exploitation of trees in the undemarcated forests near their village, lest their future timber requirements be jeopardized.

The facts are as follows :—

The Conservator of Forests inspected this forest about two years ago. He found that thinning was urgently necessary. The Divisional Forest Officer had examined the records for the past 10 years and satisfied himself that the requirements of the villages would in no way be jeopardized if the thinnings in these forests were worked departmentally.

The procedure is that before exploiting undemarcated forests the Divisional Forest Officer must obtain the approval of the Assistant Commissioner, Kulu, and of the Chief Conservator of Forests. He has also to give an assurance that there will be no failure to supply the present and future requirements of the rightholders.

The Commission found that this assurance met the case. In no circumstances, however, must a Divisional Forest Officer fail to meet the reasonable demand of zamindars on such a forest which has been exploited even by thinning.

*Felling refuse.*—After the exploitation of Government forests was over a quantity of felling refuse was left behind. Much of this was now being sold by the Forest Department, but the villagers requested that they might be allowed to take the whole of this free as had been the custom in the past.

The facts are that slabs and pieces other than "slash" unsuitable for export to the plains are sometimes sold in the local sale depot : and Government is clearly entitled to the full value of felled trees. "Slash" is always taken free by the villagers.

The Commission consider that the difficulty will be met adequately, if slabs be given free in all cases where for any special cause, such as closures, there is a genuine shortage of timber.

*Timber distribution.*—There was a general complaint against the date of timber distribution : and the frequency with which extensions, which cost 4 annas each, had to be obtained. It was observed that timber distribution was held so late in the year that in the first place marking of the trees could often not be completed in time for working before snowfall : secondly, in such cases, further delay ensued because when spring came the villagers had to be busy in their fields. In fact there is substance in the complaint.

The Commission recommend, after consulting all concerned—

- (i) that Timber Distribution should be held in August and completed, if possible, by the middle of September :
- (ii) that marking should begin immediately, starting with the high level forests— in accordance with present practice :

(iii) that in the cases where trees could not be marked so as to be worked before snowfall, an extension of 3 months without fees would be allowed.

This recommendation satisfied every one.

*Dry standing trees.*—The villagers had a right to fell the dry standing trees of all species except deodar, walnut, ash and box, but they were sometimes prevented from doing so by the forest guards.

The facts are that rightholders are entitled to cut dry trees with the exception of the four species mentioned above in all forests with the exception of reserves and first class protected forests. It appeared that there was some confusion in the minds of the villagers as to the exact definition of their rights.

The Commission found that this was one of the many difficulties due to ignorance. They believe it will disappear when the facts regarding rights are published to lambar-dars, schoolmasters and forest guards (*vide* page 14 of Report).

*Trees for building timber.*—Trees were not marked in places from which the rightholders wanted them and they were sometimes given crooked and useless trees.

The facts are that while rightholders naturally desire to have their trees marked as close as possible to their village and would also prefer to select the trees themselves: it is inconsistent to complain against closures being made in the vicinity of villages and also to press this demand. Further the Forest Department must be the judge of what trees can in the interests of silviculture safely be spared.

The Commission found that the people professed themselves satisfied by the explanation of the difficulties given by the Chairman: and that no further action was required.

*Sliding.*—It was the common practice of villagers to extract their building timber from the upper forests by dragging or sliding it, down the hill sides. This was the easiest and quickest method. Now the Forest Department has stopped this.

The facts are that the dragging of timber by the rightholders has not been stopped. But sometimes deep gulleys are formed as a result of dragging and these may extend and form lines of erosion. If it appeared that any particular sliding line was likely to develop into a gully ravine, sliding was stopped there and the villagers asked to use another place nearby.

The Commission found that sliding had not been stopped by the Forest Department, and that the regulations the Department imposed were necessary. They considered the complaint was not sound.

*Timber requirements of fruit-growers.*—The fruit-growers requested that timber required for the construction of fruit boxes be supplied to them in the form of standing trees paid for at market rates. Their requirements varied in accordance with changes of weather and market conditions and they found it more convenient to meet their requirements, as necessary, from trees marked for them in the forest; sawn timber in the Forest Department depots was liable to be inadequate or of unsuitable sizes.

The facts are : first, that no one has a right to timber at concession rates when that timber is required for commercial purposes : next, that experience has proved it most dangerous to give access to fellers in the woods. There is a danger lest the permit for a specified number of trees result in the destruction of a much greater number. One such case was a current scandal. Thirdly, if such concession were given to one, it would have to be given to all ; but there was not sufficient staff for the purpose. Finally sale depôts at frequent intervals had been established to meet exactly such cases as this.

The Commission recommend that the present system be maintained in principle with the addition in detail that fruit growers be encouraged to give as long notice as possible of their requirements. The Forest Department should guarantee to fill orders of which 3 months' notice has been given. In this particular the Forest Department should look on itself as a firm whose business it is to attract custom by prompt and satisfactory supply. Credit should also be allowed on a reasonable business footing.

The fruit growers appeared satisfied.

#### NAUTOR.

Complaints were made that—

- (i) whereas it was difficult for an ordinary zamindar to obtain even 2 biswas of nautor ;
- (ii) nautor had been granted freely and in large parcels to bigger men ;
- (iii) in particular to " foreigners to Kulu " and that
- (iv) to these grants of nautor attached a right of *Bartan*.

The facts are that throughout the Kulu Sub-Division there is no *shamilat* in the sense of which the word is used in the plains, but there are wide expanses of forest and of waste land over which the villagers were given rights when the territory passed into the hands of the British Government. It is usual for the people to claim that they had certain rights under the earlier regime of the Rajas. But where any such rights did exist they were accompanied by onerous duties of military service and *begar*. The rights granted by the British Government were the subject of long and complicated correspondence but were eventually summed up in the notification No. 507, published in 1896. There is also a reference to nautor in the *wajib-ul-arz* of each of the Waziris, — *vide* Appendix XVII. In a nut-shell, nautor is prohibited except with permission of the Sirkar.

It was, of course, for Government, *viz.* the Sirkar, to formulate precise instructions to its officers defining the difficulties under which and the persons by whom nautor should be granted.

Nautor is required sometimes in an emergency, *e.g.*, when flood or storm or other natural disaster destroys the zamindar's water-mill or the land on which his dwelling was situated. Sometimes it has been granted to Europeans. One fairly recent instance was quoted, *viz.*, an area of 103 bighas, equivalent to 20·60 acres, in Bara Gran and it was believed this had been given by the Sub-Divisional Officer outright. This case

was investigated. It was found that the orders were not the orders of the Sub-Divisional Officer but the orders of Government; and that the orders had been passed only after considerable enquiry had been made.

Nevertheless in the vast majority of cases the Assistant Commissioner, Kulu, has assumed that he is the Sirkar for purposes of this entry in the *wajib-ul-arz* and has claimed authority not only to grant permission to break up land but both to create a property in full proprietary rights in that land and that such property should have attached to it full rights of *Bartan*.

The Commission consider that they should make separate recommendations—one as regards past grants and another as regards the policy to be followed in future.

As regards past grants, any grants which subsisted at the time of the last settlement 1910—13 should be considered as having had the approval of Government which accepted the settlement: and no further enquiry is required.

Subsequent grants raise two problems. Although the Assistant Commissioner appears to have usurped the powers of Government, in so much as no Assistant Commissioner has authority permanently to dispose of Crown estate, yet the Assistant Commissioner on the spot, particularly in areas such as Kulu to which communications are difficult, is the local representative of Government in a very full sense. And, where he has, as agent, made a contract on which both parties have acted even to the extent of formal entries being made in the revenue records: and when further such Assistant Commissioners are subject to the supervision of the Deputy Commissioner and Commissioner, each of whom is expected to tour and inspect the revenue work, it seems probable that the recipients of their generosity would have a fairly strong case in a civil court, if Government were now to challenge rights once so accorded.

The Commission, therefore, do not recommend that there should be any cancellation of the original grants made in the past but they do recommend that the rights of *Bartan* attached to such grants made after last settlement should be reconsidered. Every new grant destroys *pro tanto* the value of rights of existing rightholders: and the Commission are evidenced to the view that no grant made by the Sub-Divisional Officer since settlement should be admitted to carry with it rights of *Bartan* unless the recipient can prove that the other rightholders agreed to admit him as a co-sharer.

As regards the future, the Commission recommend most strongly that the authority of the Sub-Divisional Officer to make grants of *nautor* to be defined by Government and limited. His authority should be parallel to the authority of other officers elsewhere in the Punjab, *e.g.*, in the colonies. The Commission would suggest for the consideration of Government that in order to meet emergent cases the Sub-Divisional Officer be given authority to grant a 2-years' lease without reference to higher authorities. These grants should normally be restricted to an area equivalent in size and value to the area destroyed. Permanent grants should require reference to further higher authority not less senior than that of the Commissioner, the general policy to be followed being the same as that laid down for the management of Government waste in other districts, *e.g.*, in Dera Ghazi Khan.

2. *Right of Barta*.—Parallel with, but somewhat different from, this problem of nautor is the right of user in the forest attached to separate parcels of land. The complaint is that vendees of fractions of a holding have assumed that to that fraction has been attached the full rights of user which belonged to the vendor. This assumption is based on clause 4 of the general record of rights for all classes of protected forests drawn up by Mr. Anderson and finally accepted; this clause runs as follows :—

“ The rights of user of rightholders are appendant to cultivated land, assessed to revenue, including cultivated and recorded at the last assessment of the revenue as waste belonging to private persons upon which though liable to assessment, no revenue was charged in the internal distribution (bachh), and also land brought under cultivation since last assessment of the revenue with the permission of the Assistant Commissioner; and they are acquired and alienated only with such land.”

The impossibility of accepting the settler's interpretation is clear if an extreme case is envisaged. If, for instance, the owner of a hundred acres of land seeing the improvements in communications and in the amenities of the valleys were to sell his estate in a hundred separate building plots of one acre, he would under this interpretation create thereby 99 new rights in the forest. In the past when population was scant and the forest abundant it was easy to grant to new comers such rights. At present, as an act of grace, multiplication of rights has never been questioned in families which have increased naturally. Thus at timber distribution a number of brothers who have begun to live separately are each given the same share in forest produce as was enjoyed by their father. But partly by such natural increase and partly because the process of regeneration of trees is much slower than the process of destruction the situation now is that the forest is literally unable to produce sufficient timber to meet all the demands of the rightholders on it and some definition of policy in this particular is required. In the view of the Commission there can be no doubt but that clause 4 of the general record of rights for protected forests must be construed strictly in respect of the holding to which it then referred subject to the increase by natural descent. They would not attempt to go back beyond the last settlement but they recommend definitely, first, that where a holding has been broken up only because of a number of sons have succeeded a parent, there the rights of *Barta* should be given to each sub-divided holding. Second, that where an estate has been sold there no rights of user should be granted unless there is a definite condition transferring the whole right of user held by the vendor. Such right is indivisible: and the vendor cannot transfer more than one such right for each complete holding, as defined at last settlement.

In this recommendation the Commission have the support of a judgment of the Chief Justice in case *Crown versus Bhagoo, Siroo, Ghungar, etc.*, No. 565, dated the 12th May, 1916, (*vide* appendix XIV). It is to be observed that the strict application of this decision may cause some discontent among the class of small shopkeepers who have purchased minute areas of land to which land revenue is attached in the bazars of such places as Sultanpur itself and have in the past claimed a full share in the forest produce as zamindars accordingly. But the Commission are unable to find any adequate justification for according them rights and concession rights merely because they pay a few annas of revenue.

Further there are land owners, some settlers, some of the country who have big estates which have been accumulated partly by inheritance, partly by purchase, partly by nautor. In such cases the Commission consider that the presumption on the part of Government should be that at present one right of *Bartan* attaches to the whole estate. But it would be competent to the owner to prove that he has in the past purchased a complete holding to which a complete right is attached. Should he desire to sell that complete holding, he could sell with it a separate right. The onus of proving that a right of *Bartan* attached to any such parcel of land would lie on the land-owner.

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PROCEEDINGS OF THE MEETING HELD AT KATRAIN ON 10<sup>TH</sup>  
NOVEMBER, 1937.

PRESENT :

The Chairman.

The Secretary.

The Divisional Forest Officer, Kulu.

The Assistant Commissioner, Kulu.

About 700 villagers from the following Kothis were present :—

Baragarh,

Hurang,

Mandalgarh,

Raison,

Barsai, and

Naggar.

A lengthy memorandum was placed before the Commission by the Kulu Zamindars' Association. This is printed in full at Appendix XVI. The various points raised are referred to in brief, numbered as in the memorandum.

(1) *Decision as to whether a tree is green or dry for the purpose of rule 13, section 44 — rules for protected forests in Kulu.*—The complaint was that subordinates of the Forest Department misused their discretionary powers in this connection, alleging that dry trees lawfully felled by zamindars were in reality green. It was suggested that discretionary powers should not be left with the Forest Department: and that where it was considered necessary to launch a prosecution, the Forest Advisory Committee should be consulted and asked to inspect the site.

The facts are that the association failed to quote a single instance either of the proper prosecution or of refusal to permit felling within the rights which exist. Under these rights there is no restriction on the felling of dry trees except of the four reserved species in all second class and undemarcated forests. Further the conditions in the Kulu valley make it impossible to consult the advisory committee in remote areas where the question whether a tree is completely or only partially dry might arise.

This view was explained with the statement that the Commission could not make the recommendation suggested.

(2) *Auctioning of fallen trees.*—Objection was taken to the practice of auctioning or of inviting applications for fallen trees by the Forest Department on the grounds that rightholders were entitled to fallen trees free, under rule 13 of the Kulu Forest Rules for protected forests; at any rate, if any auctions were held they should be published.

The facts are as follows :—

With the exception of the four reserved species, *viz.*, deodar, box, walnut and ash trees which fall in the forest can be removed by the rightholders without fee or permit in accordance with rule 13. But trees or timber which fall into a river and which are carried by the water away from the place where they had originally stood come under another set of rules and are classified as 'waif'. Rightholders are entitled to remove any piece of "waif" wood which can be carried by one man, but anything larger is at the disposal of Government and zamindars have no right to it. The example which the Association had referred to in their complaint against the auctioning of fallen trees was a genuine case of "waif" wood. A number of alder trees had been carried down by a flood and were stranded near Katrain. Rightholders usually apply for such trees if they want them: but in this case, after waiting for five months, no applications were received and so the Forest Department sold the trees to a local zamindar. The Forest Department prefer not to hold public auctions of "waif" wood because the contractors and non-rightholders out-bid zamindars. The Forest Department preferred to utilize 'waif' wood for the purpose of making grants to zamindars either free or at nominal rates.

The Commission agreed that public auctions were undesirable, and that the present practice of reserving 'waif' wood for the use of rightholders should be continued.

(3) *Rules regarding nautor.*—This complaint has been fully dealt with in the record of proceedings of the meeting held at Manali.

(4) *Timber distribution.*—This matter was discussed and recommendations made in the meeting at Manali, but three fresh points were raised by the Association.

(i) The subordinate forest officials should not be allowed to be present at Timber Distribution because they influenced the presiding officer to reject the applications of those with whom they were not on good terms.

It is obvious that the subordinates forest official's local knowledge is essential to the distributing officer.

(ii) That rightholders who wanted trees and were unavoidably absent were refused trees on these grounds.

The suggestion was found inexact. When a rightholder cannot be present in person, his representative is accepted: and his application considered. Further when emergency is passed applications are in fact entertained after the date fixed for the

distribution. The representatives of the Association agreed that this met their views : and it is only necessary to record that the rule should in the future be worked in the same spirit as that in which it is being worked at present.

(iii) That the registers kept by the forest guards for the purpose of recording trees marked at timber distribution, was not kept up to date.

The facts are that no evidence could be produced to corroborate this statement. The Divisional Forest Officer assured the Commission that the records were carefully kept.

The Commission were, therefore, unable to credit this complaint.

(5) *The system of marking trees.*—This matter was discussed in the meeting held at Manali.

(6) *Administration of undemarcated forests in Kulu.*—This matter was discussed at the meeting held at Manali.

(7) *Right to quarry sand and earth.*—It was claimed that in accordance with the "wajib-ul-arz" and with Anderson's Settlement rightholders were entitled to quarry sand and earth for building and other purposes other than for sales : but recently certain zamindars had been fined for removing half a killa of clay.

The facts are that the zamindars of Kulu have always enjoyed this right but the new Mineral Rules had imposed restrictions on it.

The Sub-Divisional Officer, Kulu, stated that the matter had already come to his notice and that he had addressed Government through the proper channels with the recommendation that the Act should be considered as without effect in the Sub-Division.

The Commission suggested that a list of persons who had been fined should be prepared : so that on the receipt of the orders of Government any injustice that may have been done may be redressed.

(8) *Administration of first and second class demarcated forests.*—This matter was discussed at the meeting held at Manali.

(9) *Kothi Fund.*—The Association raised the following points :—

- (i) that it was unsatisfactory that the administration of the Kothi Fund should be entirely in the hands of the Divisional Forest Officer and the Sub-Divisional Officer, Kulu. They considered that the Fund should be spent only for purposes directly beneficial to the rightholders ;
- (ii) that the accounts for the past ten years should be examined and that in the future the accounts should be audited by members of the Forest Advisory Committee at least once a year ;
- (iii) that the whole income from the sales of trees and compensation from the undemarcated forests should be credited to the Kothi Fund.



The facts are :—

- (i) That the Kothi Fund is administered jointly by the Divisional Forest Officer and the Sub-Divisional Officer, Kulu. Applications from villagers for the employment of grants were carefully considered and while on tour these officers frequently discussed with the villagers plans of improvement and no works were undertaken without consulting the villagers concerned. Such plans were often discussed at the meetings of the Forest Advisory Committee. The balance at the credit of the Kothi Fund at present was about Rs. 13,000. It was difficult to find projects to absorb the whole of the income and advisability of investing part of the fund and utilising part for reduction of land revenue was being considered.
- (ii) The Fund is audited annually and in complete detail by the Accountant-General, Punjab.
- (iii) Deodar is a 'royal' tree : and income from it a perquisite of the state. Other income is paid to the Kothi Fund except—
  - (a) the proceeds of felling in 3rd class forests worked purely for silvicultural purposes : and
  - (b) where illicit felling has occurred on a large scale : and the village has not co-operated in stopping it. In such cases compensation is treated as fine and credited to Government.

(i) The Commission agreed that the people should be associated with the officers in expending the Kothi Fund. They are recommending a revised constitution for the Forest Advisory Boards : and if that recommendation is accepted then the newly constituted Forest Advisory Committee would be the body to represent the people in the administration of the fund. The Association accepted this view.

(ii) That the suggestion regarding audit which had been made in ignorance of existing procedure, was unnecessary.

(iii) That the appropriation of other sources of revenue from the undemarcated forests for the Kothi Fund was unjustified : provided that where the Forest Department worked 3rd class forests they were debarred from pleading insufficiency of timber when faced with a legitimate demand from a rightholder. The Association accepted this view.

(10) *Forest Advisory Committee.*—It was submitted that the value of the Forest Advisory Committee was limited in that its members were all either official or nominated members. They desired that the Committee should be constituted only of members elected by direct vote of the public.

The facts are that the present constitution of the Forest Advisory Committee is as follows :—

OFFICIALS (3).

The Divisional Forest Officer	..	..	..	Chairman.
The Sub-Divisional Officer	..	..	..	A member.
The Tahsildar	..	..	..	Secretary

NON-OFFICIALS (5).

Nominated by the Deputy Commissioner with the approval of the Commissioner .. .. .	2
Nominated by the Deputy Commissioner in consultation with the Divisional Forest Officer and approved by the Commissioner .. .. .	1
Nominated by the District Board .. .. .	2

The Commission were prepared to recommend the principle of the inclusion of an elected element in the Forest Advisory Committee. Exactly how best this could be achieved required consultation with the District authorities.

(11) *The summary trials.*—It was stated that summary procedure for Forest offences led to injustice.

The facts are that summary trials are usually welcomed since they obviate the cost of frequent appearances by the accused and witnesses at the courts. In the Murree hills a request had been made that all cases should be tried summarily.

The Commission did not think that it would be in the interests of the people to recommend the substitution of ordinary trials for summary trials: and the reasons advanced seemed acceptable to the Association.

(12) *The milk shortage.*—A note was submitted by Lieutenant-Colonel C. R. Johnson alleging that as a result of the scarcity of fodder in the neighbourhood of Manali there was a real shortage of milk which reacted unfavourably upon the health of the population, particularly that of the children. He stated that the chief cause of the shortage of fodder was the almost complete encirclement of the locality by deodar forest in which grass did not grow: while, in addition, traders' caravans absorbed a good deal of fodder.

At Manali grass costs Rs. 2 per maund.

The facts are that in the immediate vicinity of Manali there is a scarcity of open grazing ground or hay-growing land and winter grazing is restricted by heavy snowfall. As a result, fodder is not as abundant as it is in other parts of the valley. On the other hand within two or three miles of Manali, grass is available in plenty and Manali villagers could supplement their supplies from this source if they desired to do so. Summer grazing is adequate and deforestation of the plantations would not mitigate the difficulties of winter grazing because they also are under deep snow at this season. Enquiries showed that the price of grass at Manali was generally nearer Re. 1 per maund: than the Rs. 2 quoted.

The Commission were prepared to accept tentatively the statement that fodder was scarce at Manali, but there were obvious difficulties in the way of increasing the supply. They could not, therefore, make definite recommendations until further investigations had been made. They consider that the local officers should do everything practicable in their power to increase the milk supply.

(13) *Buffalo grazing.*—The complaints are :—

- (i) The Forest Department have in the interests of forest protection reduced the number of buffaloes allowed to be grazed from Kulu to a minimum, without considering the milk and butter requirements of the zamindars.
- (ii) That the Forest Department have permitted Gujjars to graze in the protected forests where zamindars have rights in spite of the protests of the rightholders. The Association requested that no permits should be issued to Gujjars without consulting the rightholders.

The facts are :—

- (i) The rightholders are allowed, under Settlement Rules, to graze two buffaloes in undemarcated forests and in addition may keep as many buffaloes as they like on their own lands. There has never been any interference with these rules.
- (ii) The Gujjar problem is a recurring difficulty. Gujjars are for the most part migrants without any right in the valley. The Forest Department are bound to limit the number of these heavy animals brought into the valley in order to secure the protection of the forest particularly on the more acute slopes. They have admitted as many as they think the forest can carry without danger of erosion : the specific instance quoted by the Association is a number of 25 buffaloes whose location is changed from time to time, whose numbers are strictly supervised, and whose services are required in areas where the amenities they provide could otherwise not be procurable. After discussion the Association agreed that no exception could be taken to the policy as enunciated: *viz.*, that grazing must be restricted in the interests of erosion : and that the present regulations in pursuance of that policy were not open to serious objection.

(14) *Sale of trees standing on private lands.*—The complaint was that there had been inordinate delay on the part of the authorities in dealing with applications submitted by zamindars for the sale of trees standing on their private holdings.

The facts are : that the rules provide for immediate disposal of trees on land recorded at settlement as cultivated. The difficulty arises regarding trees on "banjar". Here the point at issue is not so much the trees as the verification of the claim that they are in private land and not in forest. A case had recently occurred in Seraj, where trees belonging to Government worth thousands of rupees had been sold by zamindars as their own property. In consequence of this, local authorities had to be exceedingly careful in checking each and every case when numerous applications were received for trees in different and distant localities delays were inevitable. It was to be remembered that these sales involved the loss of rights to trees at zamindari rates from Government forests for a period of not less than 20 and possibly 30 years. Instances were plentiful of that withdrawal of applications when this fact was brought home to a rightholder.

The Commission decided to recommend that the attention of the local authorities be drawn to the complaint and that steps should be taken to expedite the settlement of applications. They suggested that this was a matter in which the Forest Advisory Committee could help.

(15) *Timber for temples.*—Complained that in certain cases *deodar* trees required for temple repairs had been charged for : whereas they should have been given free.

The facts are that some temples have a right to free timber, others have not. Timber is always given free if the right exists : the zamindars themselves protested against any extension of the right.

The Commission recommended that in future timber should be given to temples in accordance with the terms of *wajib-ul-arz*.

(16) *Fees for rightholders' trees in the Kulu Valley.*—The complaints are :—

- (i) That the rates for trees granted to rightholders in the Kulu Valley are higher than those in other parts of the Sub-Division ; and should be reduced to the same level.
- (ii) That the rate for *rai* and *tosh* trees should be reduced to that sanctioned for Anderson's Settlement.
- (iii) That in the past, if a zamindar converted his trees with the saw, the fees were refunded to him as a reward at the following timber distribution. This concession had been withdrawn, and it should be restored.

The facts are :—

- (i) In 1913 at the time of settlement revision the rates for rightholders' trees were revised by the Punjab Government and those for the Kulu Valley proper were enhanced, as it was considered that there had been a lavish and wasteful use of building timber which could best be checked by a slight increase in the rates. The rates for Rupi, Waziri and Seraj were not enhanced as the people in those parts were poorer.
- (ii) Under Anderson's settlement the rate fixed for *rai* and *tosh* trees over 6 feet in girth was 4 annas. The sanctioned rates at present in force are :—

I class trees	..	..	..	8 annas.
II „ „	..	..	..	6 „
III „ „	..	..	..	4 „
IV „ „	..	..	..	1 anna

The demand for trees of the I and IV classes was highest, particularly the latter class and there was a shortage of this class in many forests.

- (iii) The refund of fees when conversion was done with the saw was introduced with the object of encouraging the use of this implement as conversion with the axe was most wasteful. In 1913 the concession was cancelled with respect to the main valley kothis only as it was considered that its object had been achieved, and that there had been some abuse since big land-owners who had always employed sawyers were able to get all their timber free.

The recommendations of the Commission are :—

- (i) that there is no justification for the suggested abolition of the concession in rates granted to the zamindars in the poorer areas of Rupi and Seraj ;
- (ii) that in view of that fact that certain sources of income of the poorer classes have contracted, as mentioned in the introductory note on the Kulu Sub-Division, the zamindari rates for *rai* and *tosh* trees should be reduced to the following scales :—

I	class trees	..	..	..	..	4 annas.
II	„	„	..	..	..	3 „
III	„	„	..	..	..	2 „
IV	„	„	..	..	..	1 anna.

- (iii) that the concession allowing refund of fees in the event of conversion of timber with the saw be restored with respect to the following kinds of trees :—

*Rai, tosh, kail and chil.*

The Commission realises that one effect of recommendations (ii) and (iii) will be to reduce the income of the Kothi Fund ; but as there is a large balance at the credit of the Fund it is not considered that this need cause concern.

(17) *Building materials required when houses have been burnt.*—There was unnecessary delay in dealing with applications for trees when houses had been burnt.

Only one case of delay was cited : and that of a whole village which had been burnt : the complete restoration of which had taken three years. The Divisional Forest Officer had himself visited the spot and given out over 100 trees immediately to meet the emergent requirements. The exact estimation of requirements had not been easy. The Divisional Forest Officer stated it was his general policy to treat applications of this nature promptly and with adequate generosity.

In the circumstances explained and accepting this statement of policy as correct, the Commission did not find it necessary to make any further recommendation.

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PROCEEDINGS OF A MEETING HELD AT KULU ON THE 12TH  
NOVEMBER, 1937.

PRESENT :

The Chairman.

Captain Dina Nath, Member.

The Secretary.

The Divisional Forest Officer, Kulu.

The Sub-Divisional Officer, Kulu.

There were about 1,000 villagers present representing the following kothis :—

Charpasa

Tarapur

Sari

Mangarh.

The majority of the points raised by the villagers had been discussed at previous meetings, and the Chairman explained the lines along which discussion had taken place and the recommendations which had been made.

The following new points were raised :—

(1) *Lopping trees overhanging cultivation.*—Cultivation was often bordered by Government forest and crops were liable to be damaged by overhanging trees. Zamindars were not allowed to lop such trees : they considered they should be allowed to do so without restraint.

The facts are that in such cases it is necessary to verify that there has been no encroachment. When this verification has been made permission to lop is freely given.

The Commission recommend that trees on adjoining Government land should not normally be allowed to exist to the detriment of arable land : and that where necessary not only should lopping be allowed but the trees removed as well.

(2) *Grants of trees to rightholders.*—The difficulty of providing adequately sized trees in the proximity of the villagers' houses was reiterated.

The Commission recommended that a campaign of propaganda to secure the closure of village areas in order to produce regenerated alders should be undertaken : and that negis who secured such applications should be rewarded. There had been already 2 examples of such closures : and the results were most promising.

*N.B.*—It was encouraging that one such application was received the following day.

(3) *Marking trees for domestic and agricultural use on land being the property of rightholders.*—The villagers complained that the rules requiring the marking of trees standing on their own lands by the negi were an unnecessary hardship and should be cancelled.

The facts are as follows :—

Under the rules in notification No. 287 of June 1st, 1896—

(i) Deodar trees standing on land recorded as under cultivation at the last land revenue re-assessment, and

(ii) 20 species of valuable trees including deodar standing on land not recorded as under cultivation at the last re-assessment can be cut by the rightholders for their own domestic and agricultural uses after the negi has inspected them, verified that they are the property of the applicant and marked them.

The *raison d'être* of these rules was that in order to avoid disputes it was found necessary to place the responsibility of establishing the ownership of the trees on the negi. Where *banjar* was concerned it was generally necessary to have the land measured by the patwari.

The Chairman inquired from the negis present what their opinion was ; they thought that the rules were necessary. The Commission recommended that no change should be made in the rules. But in the special case of L. Keshab Ram of Bajaura estate, the Commission thought that Government would be prepared to waive the operation of the rules provided he had his estate properly demarcated with boundary pillars.

(4) *Lopping*.—The villagers asked for—

- (i) the right to lop kail :
- (ii) increased facilities to lop for charcoal.

They used to get, they said, malformed and broken trees free for charcoal, but now they had to pay.

The facts are that—

- (i) the lopping of kail had been prohibited by Government as it had been found that this practice increased the spread of the kail fungus *trameles pini* which rendered trees valueless ;
- (ii) the lopping of *rai* and *tosh* for charcoal is allowed as a right in Class II and III forests.
- (iii) Trees are given free for charcoal at every Timber Distribution. On this occasion it is the duty of the negi to inform the officer presiding the number of trees required for charcoal for the year. Examination of the registers showed that trees were being given freely.

The Chairman explained the reason why Government had prohibited the lopping of kail, and the Commission were satisfied that the existing arrangements for the supply of charcoal were satisfactory.

(5) A memorandum was received from the residents of Sulthanpur (Kulu) bazar. The following points were raised :—

- (i) They had been allowed to purchase standing trees at market rates from the forest but now the Forest Department have issued orders that all demands for timber other than at zamindari rates should be met from local sales depôts.

The Chairman explained the policy of the Forest Department in this matter and said that the recommendation of the Commission in the case of the Kulu shop-keepers will be similar to that made for the fruit sellers of the valley. (See page 59.)

(ii) That the residents of Kulu town who were also land-owners were refused the grant of trees at the zamindari rates on the grounds that the land revenue they paid is too small. This point had already been raised by the Kulu Zamindars' Association at Manali and the opinion of the Commission was explained to the petitioners (*vide* pages 62 and 63).

(iii) *Utilization of trees by owners of land in more than one Kothi.*—The complaint was that if a rightholder was granted trees in one Kothi, the rules did not permit him to carry the converted timber and use it in another kothi in which he also held rights.

The facts are that the rules lay down that trees granted to rightholders for building purposes must be utilized only in that kothi in which they are marked.

The Commission recognized that although this rule might cause inconvenience in certain cases there were sufficient reasons for its general application. They recommend, however, that applications for relaxation of the rule in particular cases should be treated on their merits at the discretion of the Divisional Forest Officer.

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PROCEEDINGS OF A MEETING OF THE PUNJAB FOREST COMMISSION  
HELD AT BHUIN ON THE 14<sup>TH</sup> NOVEMBER, 1937.

PRESENT :

The Chairman.

Captain Dina Nath, M.L.A., Member.

The Secretary.

The Divisional Forest Officer, Kulu.

The Sub-Divisional Officer, Kulu.

About 300 zamindars were present from the following kothis :—

Khokan.

Bajaura.

Kot Khandi.

Harkandi.

Kanawar.

Chung.

The following points which were raised by the zamindars had already been discussed at previous meetings. The Chairman explained the views expressed previously and the recommendations which had been made :—

- (1) Higher rates for trees in Kulu valley than in Rupi and Seraj. (See page 68.)
- (2) Restrictions on the dragging of the rightholders' trees from the forest. (See page 58.)
- (3) Zamindars were not granted trees sufficiently liberally and not from the places from which they desired them. (See page 58.)
- (4) Government exploitation in 3rd class forests. (See page 57.)
- (5) Management of Kothi Fund expenditure. (See page 64.)
- (6) Permission to lop Government trees overhanging cultivation. (See page 70.)
- (7) Rights in dead and fallen timber and trees. (See pages 58 and 63.)



2. The following new points were discussed :—

- (1) The tenants living on the estate which formerly belonged to Colonel Rennick, of Bajaura, complained that contrary to past practice they were not now being allowed trees at zamindari rates.

The facts are that in 1913 Colonel Rennick having exploited his private forest by sale of trees in Kothi Kokan under rules 3 to 7 of the Government notification No. 294, dated the 10th May, 1909, forfeited under rule 9 of the same notification on behalf of himself and his heirs all rights to obtain trees from Government forests in Kothi Kokan. The fact of forfeiture had been acknowledged by him in a State document.

The Chairman expounded Colonel Rennick's statement and said that if trees had been granted to the tenants in the past they had been granted under misapprehension.

The Commission were satisfied that the applicants had no rights in trees and they could not themselves recommend that such rights be granted to the detriment of existing rightholders.

- (2) *Closures.*—The complaint was that there had been an increase in the number of forest closures.

The facts are that the proportion of forest which might be closed under Anderson's settlement had not been exceeded.

On assurance that this number would not be exceeded, the zamindars stated that they were satisfied.

- (3) *Right to collect litter (suhr) from the forest.*—A complaint was raised that this right was being interfered with.

The facts are that when invited to adduce a specific instance not one could be remembered.

The Commission were satisfied that the complaint had no substance.

- (4) *Grazing ponies in undemarcated forest of Chung.*—The complaint was that permission had been refused for the grazing of ponies used for trade purposes in the undemarcated forests of Kothi Chung: the complainant being a rightholder.

The facts are that before permission could be given by the Forest officials it was necessary for the applicant to obtain the consent of the rest of the rightholders. This had not been done.

The Commission explained to the complainant the procedure.

- (5) *Nautor in Kothi Chung.*—The complaint was that grants of nautor in Kothi Chung had been stopped by Government.

The facts are that nautor grants have not been stopped by Government, but that the proprietary body had expressed themselves unwilling to have their chiragah reduced by further breaking up of land: and therefore the specific applications that had occasioned the complaint had been rejected.

(6) *Demarcation.*—It was stated that the boundary pillars of Kalliban protected forest had been extended by something like three miles in a downhill direction.

The facts are that there is no record of any alteration in the original forest settlement boundary and the complainant was unable to produce any clear evidence in corroboration.

The Chairman remarked that he would be prepared to accept such complaints on condition that satisfactory evidence was forthcoming. It was obvious that memories were long and that this complaint has been handed down as a tradition from an earlier generation.

(7) *Forest closures adjacent to cultivation.*—The complaint was that wherever cultivation adjoined closures, cattle were liable to stray within the boundary when the owners would be fined for committing a forest offence which, in fact, was quite unintentional.

The facts are that it is not always easy to decide in such cases whether the offence has been done on purpose or not.

The Commission recommend that in such cases the benefit of the doubt should be given to the zamindar.

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MEMORANDUM OF THE MEETING OF THE PUNJAB FOREST COMMISSION HELD AT OOT ON THE 16TH NOVEMBER, 1937.

PRESENT :

1. Mr. C.C. Garbett, C.S.I., C.M.G., C.I.E., F.R.G.S., I.C.S., *Chairman.*
2. Captain Dina Nath, M.L.A., *Member.*

Assisted by :—

Mr. K. L. Aggarwal, I.F.S., Divisional Forest Officer, Seraj (Kulu).

Mr. G. R. Henniker Gotley, D.S.O., I.F.S., Divisional Forest Officer Kulu.

Mr. H. J. B. Taylor, I.C.S., Sub-Divisional Officer, Kulu.

2. Negis from the following Kothis were present :—

*Outer Seraj.*

Sirigarh.

Jalori.

Bramgarh.

Himri.

*Inner Saraj.*

Gopalpur.  
Shangarb  
Chaihni.  
Karagarb.  
Fatehpur  
Banogi.  
Bunga.  
Shikari.  
Tilokpur.  
Manglaur.  
Nohanda.  
Palach.  
Sharchi.

The meeting was attended by about 500 persons in all.

3. The difficulties raised and requests made were as follows :—

That (i) *Government action had reduced the area of chiragah.* It was claimed that in most Kothis chiragah was no longer adequate for the support of the cattle, partly because population had increased, but more particularly because of causes within the control of the Forest Department. Such were the spontaneous growth of trees destructive of grass : the alleged short period during which firing is permitted : and the restrictions on firing recently introduced by the Forest Department.

The facts are that the complaint is true in some localities but is not universal. New forest is in some places destroying grass : and the young trees have not been burned down.

The Commission recommend that investigation be made by Government into the facts of any village which cares to lodge an application to this effect. Admittedly the circumstances of individual villages were bound to differ. Where the chiragah was found insufficient it should be increased, if necessary, by the clearance of young trees. This can be done by burning when the growth is very young.

(ii) An excessive area is closed. It was claimed that in consequence of the closures, the people were deprived of their necessary rights.

The fact is that the total area under closures is 7 or 1 per cent. of the whole forest area.

The Commission reject the complaint as untrue.

(iii) Areas selected for closure were unnecessarily close to the villages,

This point has been raised elsewhere and the Commission recommend that when closures are arranged in future special care be taken to make them as little burdensome in this respect as possible.

(iv) The rates paid for timber be reduced.

The argument was that the income of the area has been reduced by the cessation of opium cultivation and that the consequent remission of land revenue, estimated to be Rs. 5,000, does not really cover their loss. Rates had been raised to their present pitch at a time when opium added greatly to their income.

The remission of Government revenue is in itself an indication that the income of the people has been reduced and the Commission recommend that the rates at present charged for timber be reduced approximately by 50 per cent. in the case of timber the proceeds of which go to the Kothi Fund.

(v) The period within which timber awarded at timber distribution is available for felling is too short.

The facts are identical with those detailed at the meeting of Manali on the 8th November, 1937.

The recommendations already formulated by the Commission were explained to those present in the meeting and accepted by them as adequate to meet their difficulties. (See page 57.)

(vi) In order to facilitate the supply of milk, the fees charged on permits for buffaloes be remitted.

The facts are that each zamindar may graze two buffaloes provided he obtains a permit for which Re. 1 per animal is charged. The zamindars stated they realized the danger there would be to the hill side if the number of buffaloes were not restricted, and they do not ask that the number be extended or that facilities be given to traders in milk and ghee. The concession was asked for buffaloes required or domestic purposes.

The Commission decided to recommend that the concession asked for be granted on the definite understanding that there should be no increase in numbers.

(vii) Fuel was not available for cremation promptly or sufficiently.

When asked to provide an instance not a single instance of any failure of provision or of any punishment being awarded for cutting of any trees for this purpose was produced.

The facts have been discussed in the minutes of the meeting at Katrain (pages 56 and 57). The policy of Government was explained to the meeting. The people have a right to cut trees for this purpose : all that is demanded of them is that reasonable care be exercised not to waste wood.

The complaint, however, seemed traditional, so frequently was it advanced; though nowhere substantiated.

The Commission not finding any defect in the policy, or any instance of the policy not having been followed are unable to accept the complaint as correct.

(viii) The boundaries of the forests have been extended against the interests of the zamindars.

Although this belief appears to be widely held, not a single zamindar was able to quote any notification or state any year or village in which any such extension had taken place. There had been none such within the memory or knowledge of any of the Forest Officers present or the Sub-Divisional Officer. Though no one could refer to any solid fact, there seemed to be a general impression that on some occasion Government land enclosed some forest somewhere which the zamindars had looked on as their own. It is impossible that some old men of the villages remember the time previous to the settlement when rights were still vague and possibly grazing was permitted in areas which became protected under the settlement. Anderson had reported in 1882 : but orders were not passed till 1897. Misunderstandings may conceivably have arisen in this period.

The Commission decided to recommend that if any zamindar chose to apply for the verification of the boundaries of any particular forest that boundary should be checked on the understanding that if any irregularity was found, Government would pay the whole cost of the demarcation and refund any compensation which might be found due to the village ; on the other hand the applicant would be liable to pay for the cost of the demarcation if his application proved entirely incorrect.

(ix) Recently payment had been exacted for quarrying stones : whereas the zamindars were entitled to do so.

The facts of this complaint have already been detailed in the memorandum of the meeting held at Katrain.

The Commission can make no recommendation as the orders of Government are awaited on the Sub-Divisional Officer's recommendation.

(x) Lopping be permitted unrestricted.

The suggestion was that to meet the shortage of fodder the zamindar should be allowed to lop freely, and that the special restrictions on lopping be removed.

Both these points were raised at Kulu on the 14th November (*vide* page 71) and the facts are the same at both places.

The Commission find it impossible to recommend that either of these requests be accepted.

4. At the conclusion of the meeting the Chairman addressed the negis. He pointed out that a large number of the representations made were obviously due to misunderstanding of the facts or ignorance of rules. The negis were in a position to correct both these difficulties. It was their duty to check wild rumours and also to spread the knowledge of rules of the department, copies of which were supplied to them and the patwaris. It was being proposed that steps be taken to have the rules of Government and the rights of the people taught in the schools and made known more widely : but Government must depend on negis to do their share in spreading enlightenment.

## APPENDIX VI.

### Educational pamphlet.

#### THE CARE OF THE FOREST.

Every boy should know what an important part the forests play not only in the life of his own family and his own village but of the district and of the Punjab. The well-being of each boy is bound up in the well-being of these bigger areas. Even the youngest knows that if trees are cut down then perhaps there may be enough earth to grow crops, but if the soil is left bare very quickly the rains will come and wash it away. If crops are grown then which is the most valuable portion of the soil? the upper part or the lower part? It is the upper part and the reason is this. When a piece of wood or any plant material is completely burnt there remains a white or grey ash. This consists of mineral matter obtained from the soil. This mineral matter is necessary for plant growth. In the absence of these mineral substances plants will not grow at all and if they are deficient in amount the yield of the crop will be poor.

In the ordinary course of events in nature, leaves and other parts of plants fall on the ground and decay. The constituents that disappear when plants are burnt similarly disappear into the air though much more slowly. The ash remains behind. When plants are eaten by animals the mineral matter is returned to the soil in the droppings of the animals or in their bodies when they die. In either case mineral matter which is brought up by the roots of plants is returned on the surface. The useful constituents of the soil consequently tend to accumulate in the upper layers.

Erosion, which usually affects the upper layers of the soil rather than the lower, is injurious because in addition to reducing the depth of the soil, which in the hills is never very great, removes the most valuable portion of the soil. An experiment was made in growing wheat in pots filled with soil taken from an eroded portion of a field and similar pots filled with soil from the same field but from a part of it that had not suffered from erosion. The pots filled with soil from the eroded part of the field gave a crop of wheat that weighed 5.5 lbs. The pots filled with soil from the non-eroded part of the field gave 12.1 lbs. In this instance erosion had been responsible for a decrease in the crop to less than half its former amount.

Grass and trees suffer in exactly the same way as do agricultural crops from the harmful effects of erosion. The figures for cattle including sheep and goats for the Kangra, Jhelum and Rawalpindi districts are instructive :—

Year.	Kangra.	Jhelum.	Rawalpindi.
1890-91 .. ..	1,315,246	686,926	885,744
1894-95 .. ..	1,257,082	686,922	983,118
1898-99 .. ..	1,753,623	799,404	1,108,865
1903-04 .. ..	1,753,922	643,155	586,177
1913-14 .. ..	1,808,305	647,282	582,025
1923 .. ..	1,419,885	.. ..	.. ..
1928 .. ..	1,370,869	611,294	554,622
1930 .. ..	1,362,981	558,291	526,676
1935 .. ..	1,344,417	680,637	611,628

It will be seen that apart from minor fluctuations which are often due to cattle disease, the number of cattle in Kangra increased up to the year 1913-14 since when there has been a decrease. In both Jhelum and Rawalpindi the numbers increased up to the year 1898-99 since when there has been a decrease. In all these districts the zamindars are now complaining of shortage of grazing. From 1898 to 1913 the zamindars in Kangra kept 17 to 18 lakhs of animals but now they have only 13½ lakhs and yet they complain of shortage of grazing. The reason why Kangra, Jhelum and Rawalpindi districts cannot now support as many animals as they did in the past is that owing to the loss of the top soil of the grazing grounds by erosion, the grass crop is not as abundant as it was formerly. If the rate of loss of soil continues as at present it is safe to predict that the numbers of animals these districts will support will continue to decrease.

Soil erosion is caused by rain beating down upon the soil on sloping ground. It can be prevented or reduced to a negligible amount by vegetation—trees, shrubs and grass. The remedy, therefore, is to protect the vegetation during the rainy season when soil erosion mainly takes place and especially on steep ground where erosion is worst. As far as possible cattle should only be allowed to graze on flat or gently sloping ground during the rainy season. Steep ground should be protected during the rains. The grass crop will be improved if it is allowed to grow and as soon as the rains are over it can be cut and stored for use. When the grass has been cut and the ground has become dry cattle can be admitted to graze any grass that may remain. Cattle should not be allowed to wander about over land which has been grazed until nothing is left. They obtain no food worth mentioning and loosen the soil so that when the first showers of the monsoon fall there is plenty of soil ready to be washed away and no vegetation to hold it up. A badly overgrazed area when protected from grazing takes several years of protection before it produces a full crop of grass. It follows, therefore, that when cattle are allowed to wander about in search of an occasional bite of food on an area that has been already grazed bare they are reducing the crop which would otherwise come up in the following rainy season.

A badly overgrazed area in Rawalpindi district was fenced and protected from grazing. In the first year the crop of grass was very poor but it steadily increased until in the fourth year 11½ maunds per acre was harvested. Similarly in Kangra a piece of almost useless grazing ground of 20 acres was fenced. In the first year the grass crop was not worth cutting. In the second year about 50 head-loads were cut. In the third year the yield was 800 head-loads. The fourth years' crop has not yet been gathered but it is expected to be considerably greater than in the third year. These experiments show that continuous heavy grazing not only ruins the soil but very greatly reduces the yield of grass.

In the case of forest trees it is far more difficult to obtain figures to show the deterioration due to erosion. In the early years of the Forest Department figures for rate of growth of *phulai* on the dry rocky hills of the Rawalpindi district were collected and they showed that *phulai* reached a diameter of 6 inches in 36 years. Recently rate of growth figures for the same forest show that in 36 years a diameter of only 3·6 inches can be expected. This decrease is believed to be entirely due to soil erosion caused by heavy grazing. If overgrazing continues it is obvious that in a few decades *phulai* will not grow at all on these hills.

## APPENDIX VII.

### Copy of a cutting from the *Civil and Military Gazette* of December 14th, 1937.

#### FORESTRY PROBLEMS—CONFERENCE'S RESOLUTIONS.

New Delhi (By Mail):

The Forest Conference, which was convened primarily to discuss administrative problems connected with the re-organisation of the forest services, concluded its deliberations on Friday.

The following resolutions were adopted :—

I. This Conference is of the opinion :—

- (i) That ordinarily there should be only one superior service in each Province, direct recruits to which should receive their training at Dehra Dun.
- (ii) That, for the aforesaid training, provision should be made with effect from April 1st, 1938, at the Forest Research Institute, Dehra Dun. The instruction should be of the highest standard necessary for Indian requirements. For this purpose, only the most highly qualified staff should be employed.

II. The Conference is of opinion that, considering the highly specialised qualifications required for the India List posts which the Government of India propose, subject to the approval of the Secretary of State, to reduce practically to the minimum necessary to fill research and educational appointments at Dehra Dun, allocation of these posts to Provinces by designation or numbers is not practicable. Realising the benefits to India and to themselves of these posts being filled by men of the highest qualifications, Provinces will be prepared to lend, so far as possible, the best available officer, for the purpose, and the Government of India will pay for his services during the period that they employ them according to the ordinary deputation rules.

III. The Conference is in general agreement with the principles of Forest policy stated in the Government of India Resolution and recommends to Provincial Governments that, in any amendment of the Indian Forest Act or their Forest Manuals that they may undertake, these principles should be maintained.

The Conference also recommends that no proposal for large-scale disforestation should be approved by a Provincial Government except after the fullest consideration by the Council of Ministers. Where any such proposal is likely to affect another Province or any State, no decision should be taken except after consultation amongst the Governments concerned.

IV. The Conference is of the opinion that the advice of the Inspector-General of Forests will continue to be of value to Provincial Governments and that he should, therefore, be allowed to visit Provinces with their consent. He should also be permitted to correspond direct with Provincial Heads of Forest Departments on technical questions so as to keep in touch with developments in each Province.

In addition better utilization of forest products was also considered and a useful interchange of views took place.



**APPENDIX VIII.**

**Detailed statement showing revenue and expenditure of Campbellpur Sub-Division (excluding divisional overhead charges) from 1929-30.**

83

Year.	REVENUE.							EXPENDITURE.				Surplus or deficit.
	Firewood.	Grass and grazing.	Military grass.	Compensation fees.	Camel Corps fees.	Miscellaneous.	Total.	B.I. a and B. I. b.	Other expenditure.	Establishment.	Total.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1929-30 ..	15,326	4,188	1,864	9,453	464	4,283	35,578	3,044	2,305	20,397	25,746	+9,832
1930-31 ..	16,103	3,776	1,839	5,723	34	1,155	28,630	3,955	2,265	22,206	28,426	+204
1931-32 ..	11,331	3,914	1,660	4,526	474	1,322	23,227	3,811	2,685	19,637	26,133	-2,906
1932-33 ..	15,166	4,095	1,664	3,424	116	676	25,141	4,080	2,566	14,938	21,584	+3,557
1933-34 ..	10,184	3,731	1,660	4,070	146	931	20,722	3,495	2,755	13,463	19,713	+1,009
1934-35 ..	11,844	3,515	1,908	3,793	248	715	22,023	3,322	2,751	13,384	19,457	+2,566
1935-36 ..	11,037	4,034	1,660	4,671	134	1,167	22,703	3,379	2,391	14,383	20,153	+2,550
1936-37 ..	14,513	5,194	1,660	5,614	716	1,688	29,385	4,588	1,900	15,538	22,026	+7,359

## APPENDIX IX.

### Statement of revenue and expenditure of Kangra, Jhelum, Rawalpindi West and Rawalpindi East Forest Divisions.

Year.	Revenue.	Expenditure.	Surplus.	Deficit.
	Rs.	Rs. KANGRA.	Rs.	Rs.
1931-32 ..	1,41,646	1,38,876	2,770	..
1932-33 ..	1,10,531	1,24,285	..	13,754
1933-34 ..	1,41,336	1,47,249	..	5,913
1934-35 ..	1,39,151	1,37,279	1,872	..
1935-36 ..	1,34,542	1,34,444	98	..
1936-37 ..	1,50,150	1,57,225	..	7,075
<b>JHELUM.</b>				
1931-32 ..	34,338	35,720	..	1,382
1932-33 ..	36,982	31,798	5,184	..
1933-34 ..	38,127	28,603	9,524	..
1934-35 ..	41,223	28,578	12,645	..
1935-36 ..	42,392	29,065	13,327	..
1936-37 ..	40,656	42,875	..	2,219
<b>RAWALPINDI WEST.</b>				
1931-32 ..	1,17,605	1,24,505	..	6,900
1932-33 ..	1,11,070	1,10,051	1,019	..
1933-34 ..	96,966	1,01,907	..	4,941
1934-35 ..	1,00,453	1,10,522	..	10,069
1935-36 ..	89,187	97,139	..	7,952
1936-37 ..	92,409	89,165	3,244	..
<b>RAWALPINDI EAST.</b>				
1931-32 ..	2,14,251	1,54,358	59,893	..
1932-33 ..	1,15,523	1,00,340	15,183	..
1933-34 ..	1,35,107	1,11,108	23,999	..
1934-35 ..	98,450	83,978	14,472	..
1935-36 ..	90,120	79,864	10,256	..
1936-37 ..	89,581	77,411	12,170	..

**APPENDIX X.**  
**Jhelum Forest Division.**

(1) AREA STATEMENT.

District.	CLASS OF FOREST.		
	Reserved acres.	Unclaimed acres.	Total acres.
Jhelum .. ..	179,415	60,850	240,265
Shahpur .. ..	99,242	..	99,242
Mianwali .. ..	941	..	941
Attock .. ..	8,655	171	8,826
Total .. ..	288,253	61,021	349,274

(2) RANGE ORGANIZATION.

Name of Range.	Area, acres.	Number of beats.	Average area of beats, acres.
Jhelum .. ..	82,841	10	8,284
Chakwal .. ..	71,989	7	10,284
Pind Dadan Khan .. ..	93,389	8	11,673
Salt Range .. ..	101,389	8	12,673

## APPENDIX XL

### Kangra District (excluding Kulu Sub-division).

STATEMENT SHOWING THE AREAS OF DIFFERENT CLASSES OF FOREST  
UNDER THE FOREST DEPARTMENT AND OTHER DETAILS.

Forest Division.	Reserved Forest.	Demarcated Protected Forest.	Undemarcated Protected Forest.	Unclassed Forest.	Total.
	Acres.	Acres.	Acres.	Acres.	Acres.
Kangra .. ..	16,482	146,878	400,185	113,441	676,986
Hoshiarpur ..	1,992	40,770	..	88,485	131,247
Total ..	18,474	187,648	400,185	201,926	808,233

Total area of district, including cultivation .. ..	Acres. 1,629,386
Total uncultivated area .. ..	1,146,242
Cultivated area .. ..	483,144
Area of Government forest closed under working plans ..	17,059

## APPENDIX XII.

### Note on the legal position of Forest and Waste Land in Kangra District (excluding Kulu).

*A. Reserved Forests.*—In which all rights were abandoned by the people, not only for land and money concessions but also on the condition that no compulsory closure would be made in the adjacent forests.

*B. Demarcated Protected Forests.*—Subject to notification under Chapter IV, Indian Forest Act, *v. s.*, closures for regeneration purposes can be made, but only in areas delimited under the closure scheme ; subject to a limit at any one time, as laid down by Settlement. Rights are clearly defined. No appropriation of land permitted.

*C. Undemarcated Protected Forests.*—Subject to notification under Chapter IV, Indian Forest Act,—*vide* notification No. 992 of 11th January, 1919, page 76, Punjab Forest Manual, Volume I. Under section 30(b) of the Act any protected forest can be closed, but under clause 15 of the General Provisions of Record of Rights, closures can be enforced if the exercise of rights endangers the existence of the forest and if sufficient grazing ground has been left out. Areas have been included in the "Delimited" closure scheme, and although additional areas could legally be closed, provided the above two conditions are satisfied, it is generally understood that no further closures will be made without the consent of the people. Rights are defined in this class of forests. Nautor is permitted with the approval of the Deputy Commissioner and Divisional Forest Officer.

*D. Unclassed Forests.*—In these Government has abandoned the right to make any closure. Chapter XII of the Indian Forest Act applies and Government owns and has control over tree growth,—*vide* notification No. 61 of 26th January, 1897, page 96, Punjab Forest Manual, Volume I. Nautor can be made without permission as long as there is no damage to the trees.

*E. Ban Muafi.*—A small class of forest, the absolute property of the villagers ; under the control of the Deputy Commissioner. There are certain restrictions laid down in the Record of Rights , page 67 of the Forest Settlement.

*Ownership.*—Class A (Reserves) are the absolute property of Government, including the soil. In Classes B, C and D the villagers own the soil, but all vegetation belongs to Government, including grass, to which the zamindars retain special rights. In unclassified forest (D), spontaneous growth and trees planted by Government are the property of Government, but trees planted by rightholders are the property of those who plant them.

*Right of User.*—In all forests in which rights of user are recorded, the rights are controlled by certain notified rules.

**APPENDIX XIII.**

**Translation of Wajib-ul-arz conditions of village Khairian from Settlement Khewat 1868 by Mr. G. B. Lyall, Settlement Officer, Tahsil Dehra of Kangra District.**

Section No.	Subject of conditions.	Landowners' verification.
4	<p><i>Section fourth.—Rights of the Government and samindars in forests.</i>—In the previous reign the trees in Banjar Ghair Maqbuza (unpossessed) and forests were considered as Government property. In the last settlement the English Government handed over the ownership of land to the Khewatdars but kept the ownership of (1) trees, (2) grazing arrangement of sheep and goats in its own hand. Due to this fact the practice in this district after the settlement was that the Government realized Tirmi tax of grazing sheep and goats, and that all the trees of spontaneous growth in Banjar Ghair Maqbuza and forests were considered as Government property but the zamindars had the right of usage (Bartan). Therefore in order to protect the forests and the growth of trees as well as the rights of zamindars, rules and regulations were framed by the Government which are followed and are unalterable until some other procedure is adopted.</p> <p><i>Special Memorandum.</i>—Open barren land which is not under the fence of several landholders or is not owned individually and in which according to custom the right of usage and grazing grass and cutting wood is enjoyed by all the proprietors of the village is considered as Banjar Ghair Maqbuza (unpossessed barren land). At the time of assessment of present Khewats so far as possible Banjars Maqbuza and Ghair Maqbuza have been distinguished ; all Banjar Maqbuza was assessed and all Banjar Ghair Maqbuza was not assessed, all the barren shamilat of the village or Tika was included in Banjar Ghair Maqbuza.</p>	<p>Trees and the grazing arrangement of sheep and goats in Banjar Ghair Maqbuza has always been the property of Government, hence we accept the present procedure and the procedure that may be followed in future.</p>
23	<p><i>Section Sixteenth.—Regarding Kharetars.</i>—Kharetars are of two kinds (1) assessed Kharetars and (2) unassessed Ban Kharetars. Assessed Kharetars are owned by the assessee. He can sell the land or cut the trees at will. Such Kharetars are entered in the new revenue papers in the respective khewats of land owners. As to Ban Kharetars the possessor is the owner of the grass only and the land is Shamilat. This area can be cultivated by possessor just like other Banjar Ghair Maqbuza but other khewatdars have no right to cultivate or alienate it without the consent of its possessor. If at any time partition takes place of the whole Banjar such Ban Kharetar shall be given to its possessor. Such Ban Kharetars being taken as Ghair Maqbuza have been included in the Shamilat Khewat but in the remarks column the name of the owner has been entered.</p>	<p>This condition is correct according to the general custom and is accepted by us.</p>

Section No.	Subject of conditions	Landowners' verification.
33	<p><i>Section fifth.—Regarding trees in cultivated areas.—</i> In the previous reign the trees of various kinds in cultivated area were considered as Government property. In the last settlement the Government gave up its rights of all trees excepting Chil trees in the cultivated areas. Now even the Chil trees in the cultivated areas have been given to the zamindars,—<i>vide</i> Government letter No. 347, dated 6th June, 1867. The general custom of the ownership of the trees of various kinds in the cultivated areas is that the owner of the land is also the owner of the trees on it ; therefore no detail of the trees in the cultivated areas has been given in this settlement. Of course at the time of sale partition of mortgage where the owner of the land did not remain the owner of the trees on it, a note to this effect was given in the remarks column. The trees in the cultivated area of Shamilat Deh or Tika are the property of Shamilat Deh or Tika. In those villages or Tikas in which cultivated Shamilat land such as Kut or Bahand Banjar is situated and in which Chil trees are numerous, the following procedure will be adopted in future ; that such trees will not be cut without the permission of Lambardar in Shamilat Deh and Mukaddam in Shamilat Tika and one rate of sale of various kinds of trees will be fixed. The man who cuts the trees shall pay the price through the Lambardar or Mukaddam to the Shamilat Deh or Tika and that sum will be distributed to the khewatdars of village or Tika along with the other income of Shamilat. But the Lambardar or Mukaddam is not authorized to sell the trees of Shamilat to a trader or contractor.</p> <p><i>Special Memorandum.—</i>Those small tracts of Banjar such as Bir Banna, which have been measured along with the cultivated field, are included in the cultivated area, excepting those only that land shall be considered to be cultivated which has been entered as such in the new revenue papers.</p>	<p>We the owners have listened to this condition. It is in accordance with the custom going on. We accept this.</p>
34	<p><i>Section sixth.—Regarding trees on the assessed Banjar Maqbuza.—</i>All the trees of various kinds on such land are given to owners of the land,—<i>vide</i> Government letter No. 347, dated 6th June, 1867. Such trees will be excluded from Ban Sarkar. Only that Banjar Maqbuza shall be considered as assessable which has been assessed and entered in the new revenue papers in the khewat of one or two khewatdars as a separate area ; or such tract of land that has not been assessed but is included in the khewat of the owner on account of purchasing it from the zamindars of village or Tika.</p>	<p>We the owners have listened to this condition. The procedure of the rights of trees mentioned in this section is correct and we accept it.</p>

Section. No.	Subject of conditions.	Landowners' verification.
	<p><i>Special Memorandum.</i>—Such tracts of land are not assessable that were measured in the names of one or two khewatdars as Kharetars, Rakh or Bbeth, but at the time of assessment being considered as Ban Sarkar were included from assessment and were included in the Shamilat Khewat as Ban Kharetar. And self-grown trees of such Ban Kharetars, etc., will be considered as Government property just like the trees of Banjar Ghair Maqbuza or Sawana Gujran.</p>	



## APPENDIX XIV.

### In the High Court of Judicature at Lahore.

REVISION SIDE.

CRIMINAL.

No. 565 of 1916.

Case reported by the Sessions Judge, Hoshiarpur-Kangra District, with his No. 586 of 1916.

(Section No. 438 of the Criminal Procedure Code.)

THE CROWN, *versus* BOHGOO, AND SIROO, GHUNGAR, PARAHYA,  
GORKHA AND HARDIAL—*Accused.*

*Charge.*—Under section 31 (1) and 32 (H), Act VII of 1878.

The facts of this case are as follows :—

The Forest Department have prosecuted the six accused, Gaddis, landowners, in village Kareri for grazing sheep and goats in the undemarcated protected forests lands in Kareri under section 31/32 of the Forest Act.

The accused petitioners admit grazing their sheep and goats and claimed to do so on account of having acquired proprietary rights in Kareri.

The Magistrate held that as the accused became landowners long after the commencement of the current Settlement they have acquired no right to graze sheep and goats in the forest village area.

The accused, on conviction by Mr. E. J. Stephens exercising the powers of a Magistrate of the first class in the Kangra District, were sentenced, by order dated 23rd December, 1915, under section 31/32, Act 7 of 1878 to one month's rigorous imprisonment each.

The accused were let out on bail on 16th January, 1916, directly the files were received.

The proceedings are forwarded for revision on the following grounds :—

The accused having purchased revenue paying cultivated land with a share in the *Shamilat* are entitled to the rights of the landowners from whom they acquired the land, irrespective of the purchase being before or after the commencement of the current Settlement. The rights are held as "an incident of their proprietorship in the soil" (Paragraph 26 of Kangra Forest Settlement Report, 1887).

Also according to the order, dated 16th March, 1912, of the Chief Court in Revision Case No. 1711 of 1911 the proviso in paragraph 5 (2) of notification No. 416, dated 14th August, 1897, allows proprietors to graze sheep and goats as long as all their cattle (including sheep and goats) do not exceed in number the 30 per cent. limit fixed. There is no evidence that the limit has been so exceeded or that the sheep and goats were used purely for trading purposes. Consequently no offence has been proved.

Even if accused be held guilty, the punishment is much too severe, the case being admitted by the District Magistrate to be a test one, and the Tahsildar, after enquiry on the spot having reported prior to the prosecution being ordered that the accused are entitled to the grazing rights claimed.

For these reasons I recommend that either the convictions and sentences be set aside, or that the case be remanded for further enquiry as to the area of cultivated land and the number of cattle, sheep and goats possessed by the vendors at the last assessment of the revenue.

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ORDER OF THE CHIEF COURT.

*Present.*—Mr. Sohan Lal for accused.

Government Advocate for Crown.

I AM not at all disposed to interfere in this case. No doubt the order in Criminal Revision 1711 of 1911 by Kesington J. has some bearing on the present matter, but the facts are not quite the same and further I find some difficulty in following the reasoning of the Sessions Judge there, which was adopted wholesale by this Court without discussion.

Here the case stands thus : At previous Settlement of Kangra District certain grazing rights were allowed to the then proprietors of lands in Mauza Kareri or Karari.

*After that* these accused acquired small plots of land from their owners and now claim grazing rights as if they had been owners at Settlement and so had got the rights then. This is where they make a mistake. Perhaps if one of them had *entirely bought out* an owner of Settlement times, he might be held to have acquired all that owner's grazing rights—no one would object to this. But does he gain a *malik's* grazing rights by buying from an owner an infinitesimal plot of ground of his. Put in this way the claim is reduced to an absurdity, for an owner might sell separate (minute) plots of land to 1,000 outsiders. The accused have been let out on bail, having still one week of their sentences to put in. I allow revision only to this extent that they need not be re-arrested, sentences are reduced to the periods already undergone. But the convictions are sound and must stand.

I would like to add a few words. The limit of *number* of sheep and goats to be grazed in by the notification of 1897 is the number owned and grazed by the individual proprietor at Settlement *plus* 30 per cent. Nor can it be said that any of the accused owned and grazed as *proprietors* any animals at all at Settlement. No one of them had acquired the rights as such of his vendor.

(Sd.) D. C. JOHNSTONE,

*Chief Justice.*

Dated 12-5-1916.

## APPENDIX XV.

### **Copy of a Petition dated 25th November, 1937, received from certain resident Gujjars of Tahsil Nurpur, Kangra District.**

We the undersigned petitioners, who are Gujjars of Mauzas Bhadwar, Banoli Bhóguaasa, Danni, Gahin Lagor, Khanni, Kulahan and Dadwan in the Nurpur Tahsil of Kangra District, most respectfully beg to submit as under :—

1. That the petitioners, though Gujjars by caste, are permanent residents in their respective Mauzas and are either owners of land or occupancy tenants, and as such rightholders in the common lands and forests of those villages.

2. That the petitioners own and possess houses in these villages and pay chowkidara and other cesses, and are not nomadic in any sense of the word.

3. That the petitioners like other zamindar residents of these villages, keep cattle for their own agricultural and domestic purposes and do not indulge in either cattle trade or the sale of milk and ghee as a profession.

4. That in spite of the above status of the petitioners, as distinct from those nomadic Gujjars who are neither rightholders nor possess grazing rights in the common or forest lands of the Tahsil, the petitioners have been assessed to a cattle tax at the rate of Rs. 2 per buffalo since 1931-32, and proceedings for the recovery of the above tax for a period of five years, from 1931-32 to 1935-36, are in progress, and a demand for the amount is likely to be made at an early date.

4-A. That the levy of the above tax, in the case of the petitioners, is quite illegal and wholly unjustifiable and even opposed to the existing Forest Rules on the subject.

5. That the petitioners from the very start have been protesting against the levy of the above tax, and have several times, through written and oral representations, conveyed that protest to the authorities concerned.

6. That the petitioners' case having failed to receive a just and sympathetic consideration for a long time, they were compelled to resort to the issue of notices to the Secretary of State through the Collector of the District.

7. That the petitioners' representations and notices have not been able to obtain redress, is for in the matter, although according to the best legal advice the petitioners have got a strong case.

8. That in spite of the legal advice referred to above, the petitioners prefer to approach your good-self for the redress of their grievances once again, as they wish to avoid, as far as possible, to undergo the trials and tribulations of an expensive and tardy litigation.

9. That the petitioners pray that their cases may kindly be reconsidered in view of their rights, so as to exempt them from the levy of the cattle tax which, in this case, is wholly unjust and illegal.

10. That it is also prayed that pending reconsideration of the above matter, the realisation of the tax may kindly be suspended.

## APPENDIX XVI.

### **Copy of a Memorandum received from the Kulu Zamindars' Association at Katrain on November 10, 1937.**

To start with the Kulu Zamindars' Association desires to make it definitely clear that the Association does not mean any reflection on any particular officer or employee of the Forest Department. The Association's complaint relates to the Forest Department and the forests as a whole.

It is also desirable to point out that the Association is not a body of irresponsible and hot-headed agitators but consists of responsible and loyal citizens of the Kulu Sub-Division, most of whom have rendered services to His Majesty's Government in India whenever called upon to do so or voluntarily whenever the occasion for such services has arisen.

There is a deep discontent, dissatisfaction and resentment in the minds of the masses in the Kulu Division against the Forest Department and its administration. The Kulu people are docile, peace loving and loyal and averse to any form of agitation against the Government. The public and its leaders are not vocal and vociferous. They feel the pinch every moment but would not express it. The casual observer, therefore, thinks that everything is all right because he does not see anything above the surface. The Association, therefore, is doing a great service to Forest Department and the Government by bringing to their notice the under-currents of deep discontentment and dissatisfaction and the factors which have produced and which tend to produce this discontentment and dissatisfaction.

The tale of the grievances and difficulties of the rightholders of the Kulu Valley is a distressing and long one. The Association would, therefore, put down the points briefly and the deputation of the Association which appears before the Commission would explain the points in all detail and give concrete facts and figures.

#### COMMENTS ON MR. ANDERSON'S SETTLEMENT REPORT.

A perusal of Mr. Anderson's settlement report and the comments on the draft notes of Mr. Anderson leave no room to the suggestion that the Settlement Officer himself while conceding the demands of the Forest Department felt the hardship which he was imposing on the rightholders. His Honour the then Lieutenant Governor himself while writing the note felt the pinch of the restrictions which were unnecessarily imposed on the rights of the rightholders. With regard to the Forest Department's objections regarding the draft note that the forest point of view has not found full favour at the hands of Mr. Anderson, His Honour wrote "that the Forest Department was ill-advised in imposing Mr. Anderson's scheme if the zamindars are willing to accept it, but my belief is that if the whole matter was re-opened and gone into *de novo* on stricter principles than Mr. Anderson followed, the result would be that the forest conservancy would get less and not more, hence my advice to the Forest Department is to accept what Mr. Anderson's settlement would give them if they can get it" (*vide* 1st note, paragraphs 5 & 6, pages 78 & 79).

His Honour in his second note of January, 1894, struck a warning note in paragraph 38 "it will be seen from a great deal that I have said my object is to get the system to work in such a way as to make it as little unpopular as possible. Particular care should be taken to avoid anything in the way of harshness and rigidity of system where not absolutely necessary."

*Total disregard of the warning of His Honour the then Lieutenant-Governor.*—A review of forty years' administration of the forest clearly indicate that the warning of His Honour the then Lieutenant-Governor has been honoured more in the breach than in its observance. The apprehension of His Honour has been fully justified. The policy of the Forest Department has been nothing short of a greedy person who takes pride in squeezing the rights of other persons to the best of his ability, in season and out of season. The Association has got a firm belief that if the rights conceded by Mr. Anderson are given to the zamindars (rightholders) then there will be no cause for the public to complain against the policy of the Forest Department. It is the encroachment upon those rights which is responsible for discontentment. At the same time if the forest officers take sympathetic view of the difficulties of the rightholders, half of the trouble would end. This Association will now briefly enumerate how far the rights conceded by Mr. Anderson have been curtailed.

*Curtailling of the rights of the rightholders as recorded in the report of Mr. Anderson, Forest Settlement Officer.*—What little the Government gave by one hand to the rightholders, the Forest Department have in due course taken it by the other. The rights of the rightholders recorded in Mr. Anderson's settlement report have been curtailed to a great extent. The avowed policy of the Forest Department has been to put obstacles and limitations in the free exercise of the zamindars' rights, with the result that the zamindars have begun to feel that Mr. Anderson gave them nothing.

1. In rule 13 it is provided that all dry trees except deodar, ash, walnut and box standing in the undemarcated and second class demarcated forests can be removed by the rightholders without permits of the Forest Department, but the every-day experience shows that this right has practically been nullified by the Forest Department.

*The question whether it is dry or green is left entirely within the discretion of the Forest Officials. In case of removal of dry trees Forest Department have invariably exacted compensation under the pretext that the tree is green and not a dry one.*—The zamindars are thus solely left to the whims, caprice and mercy of the forest authorities. Every-day observance shows that whenever a discretion has been given to the forest authorities, it has invariably been exercised not in favour of the rightholders as contemplated by the author of the rule, but in favour of the Forest Department.

Time has come, therefore, that nothing should be left to the discretion of the forest authorities.

1. *Remedies suggested.*—It is submitted that in case of dispute relating to such matter the benefit of doubt should go to the zamindars and no prosecution should be launched without the sanction of the Forest Advisory Committee. The Forest Advisory Committee should be consulted and asked to inspect the tree before the prosecution is launched. The quantum of compensation in case the zamindar is willing to pay

should be fixed by the members of this committee and the matter should not be left in the hands of the Range Officer who invariably charges excessive compensation and is not commensurate with the damage caused to the Forest Department.

2. *Fallen trees.*—According to rule 13 all fallen timber except deodar, box, walnut, and ash can be removed by the rightholders without any permit, but the practice of the Forest Department has been to auction such trees. Ordinarily the cause for the falling down of trees is the heavy rainfall, floods and high winds. This practice of auctioning is not warranted by law. The second defect is that instead of having a public auction, forest officials especially have a private one. Persons in the good books of the Range Officers manipulate to get the fallen trees on lower price, on submitting an application. Last year in Upper Kulu Range, near Katrain Bihal, all such timber was given by the Range Officer, Upper Kulu, to one Kunjbihari Lal at a nominal price of Rs. 10 without the knowledge of other rightholders. This said applicant is a non-rightholder. At a public auction it would have fetched more than Rs. 10.

*Remedies suggested.*—Such fallen trees should not be auctioned and if at all they are to be auctioned then it should be done by a public auction. The system of inviting applications should be done away with. The non-rightholders should not be allowed to bid and the proceeds thereof (*sic*).

3. *Rules regarding the nautors.*—The rules regarding the nautors in the undemarcated forests were incorporated with a view that zamindars who have got smaller holdings may acquire land by nautor to keep their body and soul together but the practice hitherto followed clearly indicates that the nautor in Bihals specially in Patlikoohl and in Manali are not given to the zamindars but to the non-rightholders who have no claims whatsoever to get nautor land. The discretion vested in the Sub-Divisional Officer is also an arbitrary one.

*Remedies suggested.*—The Association submits that rules be framed to the effect that no non-rightholder should be given nautor land in the undemarcated forest. In rule 25 a proviso should be added that non-rightholders should not be given nautors. A second proviso should also be added to the effect that in the granting of nautors Sub-Divisional Officer should give the Forest Advisory Committee an opportunity to express its opinion on the grant or rejection of the nautor. The third proviso should also be added to the effect that if the Sub-Divisional Officer does not accept the advice of the Forest Advisory Committee, the decision should be made appealable.

4. *Timber distribution.*—The idea of timber distribution by the Divisional Forest Officer and the Sub-Divisional Officer alternately was that the zamindars should get at one time suitable number of trees for the domestic purposes and the subordinate staff including the Range Officer should not stand in the way of the zamindars, the required number of trees, (*sic*) but the Association regrets to bring it to the notice of the Commission that the Divisional Forest Officer and the Sub-Divisional Officer do not personally attend to this matter. They leave the matter entirely in the hands of the Range Officer and the subordinate staff of the Forest Officer Department. The consequences are that more or less sometimes those persons who are on the good books of the said forest officials manage to get trees at timber distribution.

*Remedies suggested.*—(i) The Association recommends that at timber distribution no subordinate staff should be present except members of the Forest Advisory Committee. This will have the effect of mitigating the hardship caused by the prevalent system. In this connection Mr. Anderson in his report says that in Inner Saraj people were not given trees simply on the false reports that no trees are available and this practice of making a false pretext of this type is still prevalent. It is also observed that at timber distribution rightholders are very rudely dealt with and very often they are abused by the Range Officer. This will also check the Range Officers in dealing with the zamindars in such harsh and rude manners.

(ii) It is a well known thing that when some rightholder is unavoidably absent at the timber distribution and cannot be present at that time and if he applies for timber thereafter he is told to wait till the next timber distribution. This practice should be stopped and application should be duly entertained and the Divisional Forest Officer should in this connection call for the report of the member of the Forest Advisory Committee of that area instead of calling for the report of the Forest Guard. This measure will enable the zamindars to get trees for their *bona fide* needs.

5. *Marking of the timber given at timber distribution.*—The limitation for the removal of the trees granted at timber distribution is generally fixed for one year from the date of the timber distribution but the trees are not marked by the forest authorities for about 9 months with the result that invariably a margin of only two or three months is left to the zamindars ; the zamindars cannot remove the trees within such a short space of time on account of the pressure of other domestic and agricultural work.

*Remedies suggested.*—(i) The Association recommends that the limitation of one year should run from the date of the marking of trees.

(ii) In any case the rule regarding the lapse of permits should be relaxed and permits should be renewed on payment of annas 2 per permit. In no case the permit should be cancelled.

(iii) Register kept by the Forest Guard about the trees given at timber distribution is incomplete ; they do not enter all the trees marked at timber distribution. The statement of Forest Guard in the case *Crown versus Rahim Bux* clearly shows that they are not bound to enter all the trees marked by the Forester. This register should be kept up to date. Very often people have been challaned for the removal of trees and defence in such cases is that the trees removed were given in timber distribution.

Whenever Forest Guard is summoned with the register in case of challans, the Forest Guard claims privilege under section 124 of the Indian Evidence Act. This practice of claiming privilege should be put an end to. Rules be framed that Forest Guard should not claim privilege with regard to the production of such register and permit books relating to the grant of the trees. This will help the rightholders to substantiate their plea that the trees given have been marked by the forest authorities.

6. *System of marking trees.*—The system of marking trees is very unsatisfactory, only those persons get suitable trees who manage to purchase the sympathy of the Forester and the Forest Guard in whose hands this marking of the trees is left ; this

system is highly objectionable and is a factor responsible for corruption among the subordinate staff to a great extent. In the opinion of the Association a zamindar objecting to a tree marked by the Forester should have a right to change the tree.

*Administration of the undemarcated forests in Kulu.*—A perusal of the paragraphs 99—102 of Mr. Lyall's settlement report read with paragraph 41 of His Honour the Lieutenant-Governor's first note, dated 2nd September, 1893, page 86, clearly indicate that though in the Revenue papers Government is entered as the proprietor of this area, but zamindars in Kulu have very extensive rights over this area. In fact the position of the Government is that of a trustee and it is only the naked ownership of these areas which is vested in the Government.

The classification of the forests in two reserved, *viz.*, (i) first class, (ii) second class demarcated forests was meant with a view to allot certain areas to the Government from where the Government could remove the trees for commercial purposes, but undemarcated forests were solely left for the main and exclusive purposes of the zamindars. Government has not right to remove the trees for commercial purposes from this area and the Forest Conservancy in these areas was meant with a view to preserving them for zamindars and secondly to avert the possibility of the people being thrown on to the demarcated forests. These forests are to be managed in the interests of the zamindars.

The Association wants to bring it to the notice of the Commission that forest authorities are acting contrary to the aforesaid provisions. The Forest Department have very often sold the trees to traders for a commercial purpose or have themselves removed the trees for commercial purposes, as was done quite recently in Kothi Maharaja by selling trees to Messrs. Spedding & Co., also some time back in Manali; this practice is unwarranted by law.

Rule 13 lays down that in the case of dry trees except four kinds standing in first class demarcated forests can be removed by the rightholders. In the same rule it is provided that the Forest Officer should mark the dry trees of the said four kinds so that they may be available to the zamindars but this rule is practically a dead letter. The Forest Officers have hitherto never marked dry trees in such forests with the result that the zamindars have been deprived of these trees. A Negi of the Kothi does not like to take the risk though he is vested with the powers too.

According to Mr. Anderson's settlement report no restriction was placed with regard to the removal of the stones for building and other purposes and digging of the earth for clay. Recently forest authorities have exacted compensation from one Dharamdas of village Dhungri, Kothi Manali, and he was made to pay Rs. 1-2-0 compensation for removing half a kulta of clay.

The Forest Department have recently added a new rule which numbers 26 according to this rule no new quarries can be opened without the permit of the Sub-Divisional Officer or the Divisional Forest Officer. It is submitted that this rule so far as undemarcated forest is concerned is uncalled for and has no legal basis. Under the terms of the Bazub-ul-arz zamindars have a free right to quarries situated in the undemarcated forests. In the report of Mr. Anderson, Forest Settlement Officer, there were no such restrictions; this rule, therefore, requires deletion. The Association also wants



to invite the attention of the Commission to the opinion of His Honour the then Lieutenant-Governor embodied in paragraph 38 of his second note at page 108 of the Settlement Report. Recently certain zamindars of village Gadherni, Kothi Manali, whose houses have been burnt are being prevented from quarrying slates.

*Administration of 1st and 2nd class demarcated forests.*—In these two forests the rights of the people have been recorded by the Forest Settlement Officer. In most of these forests zamindars have a right to trees for building purposes.

Recent years' experience has shown that the Forest Department had and are carrying wholesale exploitation work in these forests with the result that the Forest Department are not able to meet the demand of the rightholders whose rights have been recorded in those forests.

For example rightholders of Manali phati have a right to trees for building and repairing purposes in Bhajrundi and Manal Gahr where extensive exploitations are being carried and were carried on.

It is submitted that whenever exploitation work is to be carried in such forests the Forest Department should leave sufficient number of trees for years to come till new trees are available.

*Administration of Kothi-Fund.*—The management of this fund is far from satisfactory. Its disposal is entirely left within the discretion of the Divisional Forest Officer and the Sub-Divisional Officer, Kulu. In spite of the avowed policy that this fund is spent merely for the benefit of the rightholders, but recent years' experience shows that this fund has been often misapplied and sometimes applied for those purposes by which rightholders are not directly benefited. The fund is spent for objects which suit to the convenience of the Executive Officers. The Association recommends that this fund should be spent only for those purposes which would directly benefit the rightholders and is also at the same time productive or protective.

It is submitted that the accounts of the last ten years of the Kothi-Fund may kindly be examined whereby the irregularities of the Divisional Forest Officer and Sub-Divisional Officer would be manifestly clear. Provisions be made for auditing such accounts by the members of the Forest Advisory Committee at least once a year.

*Sources of Kothi-Fund.*—The Kothi-Fund consists of income derived from the price of the trees levied from rightholders and from the nautor nazrana and revenue from nautor land.

(a) It is recommended that whenever trees are given to non-rightholders from undemarcated forests the proceeds should be deposited in the Kothi-Fund.

(b) The money derived from the fines and compensations with regard to those offences relating to undemarcated forests should also be credited in the Kothi-Fund.

*Rule-making power of local Government.*—The local Government on the report of Mr. Anderson, Forest Settlement Officer, and the report of the conference framed various rules under section 31 of the Indian Forest Act in November, 1896, for Kulu. After that those rules are being revised by the local Government from time to time on

the recommendation of the Divisional Forest Officer without consulting the public who are affected by these rules. This practice is open to three objections :—

- (a) In the first place local Government have no power to frame rules under section 31 which is now section 33. In Kulu there are two main kinds of forests, firstly those forests which had been declared as reserve forests under chapter 2 of the Forest Act. With regard to the scope of an enquiry Forest Settlement Officers and the local Government are vested with certain powers by sections 10, 14, and 15 to curtail the existing rights if they are of the opinion that they are so extensive as to annihilate the proprietary right of the Government or the objects with which these forests have been declared as reserve forests. Secondly, there are those forests which had been declared as protected forests such as 1st and 2nd class demarcated forests and undemarcated forests. With regard to these forests the scope of the enquiry is very different. The Forest Settlement Officer is bound to record the rights existing at the time of the making of the records. The Forest Settlement Officer and the local Government have no power to cut down the rights even if they are of the opinion that the existing rights are so extensive that they would annihilate the proprietary rights of the Government. In the original report of Mr. Anderson,—*vide* paragraph 6, page 22, we find the enumeration of the rights which existed in undemarcated forests. The Government on the report of the Government Advocate,—*vide* pages 121 and 122, paragraphs 9, and 10 did not frame certain rules purposely which we now find as embodied in rules 17, 26 and 27.
- (b) The powers conferred by section 31 of the Forest Act with regard to the framing of rules is also limited to the regulation of rights, but local Government have no right to frame such rules which will have the effect of curtailing the existing rights of the people as remarked by His Honour the then Lieutenant-Governor of the Punjab in his first note of September, 1893, in paragraph 16, page 81, of the settlement report. It is submitted that the nett effect of these three aforesaid rules has been to curtail the existing rights of the zamindars and as such they are *ultra vires* and require deletion. The Association, therefore, recommends that these rules may kindly be deleted at once.
- (c) The Association wants to bring to the notice of the Forest Commission that hitherto the practice had been to make rules without consulting the public. The public had never been allowed to have a say on these matters. No doubt the local Government has to revise the rules to meet emergencies. The Association submits that in future the local Government should consult the public before the rules are made.

*Forest Advisory Committee.*—The Forest Advisory Committee which meets twice a year with the Sub-Divisional Officer or Divisional Forest Officer as President can prove a useful institution if its decisions are respected by the Forest Department.

One difficulty in the constitution of the present Forest Advisory Committee is that it is composed of nominated members who are invariably Negis and Lambardars and who do not and cannot represent the difficulties and grievances of the suffering public boldly, frankly and faithfully as they are directly under the thumb of the Divisional Forest Officer and the Sub-Divisional Officer.

Moreover, it is an open secret that the demands of these Negis are met by the Forest Department invariably even by going out of their way. These people are less inclined to plead the cause of the public; even the decisions of Forest Advisory Committee as constituted at present are not acted upon by the forest officials but are mercilessly flouted or are at least complacently ignored. Proceedings of the Forest Advisory Committee are a sufficient proof of this fact and the Association would give facts and figures.

The Association, therefore, respectfully submits that in future the Forest Advisory Committee should be constituted of only those members who have been elected by a direct vote of the public; that the Negis and Lambardars should not be eligible for election. The forest officials should be directed to respect the decisions of such a Committee. The scope of power of this Committee should also be defined. The Association humbly submits that in certain matters the decisions of the Committee should not only be respected but should be made binding on the Forest Department.

*General topics.*—The Association wants to invite the attention of the Commission to other matters which are equally of vital importance :—

1. Trees for cremation purposes should be given without any restrictions. Recently people were fined for cutting trees for cremation in Kothi Kais and Manali.

2. Rightholders whose houses have been burnt should be given trees liberally and promptly. Recently the residents of the Gadherni village of Kothi Manali and one Mandas of Bashishat Kothi Jagatsukh whose houses have been burnt were given trees after considerable lapse of time.

3. Whenever any person gives evidence against the Forest Department challans he is marked down and harassed in every way.

4. The procedure of the summary trials of the forest offences is open to objection. This system instead of benefiting the accused has always proved a source of trouble to the accused. In case where the question of right is involved ordinary trial instead of summary should be held.

5. The shooting licenses which are issued for shooting game are limited and most of these licenses are issued to Government officials and visitors, with the result that very few licenses are issued to the rightholders in Kulu.

In future the number of the licenses should be increased and it should be made a definite rule that more than 20 per cent. of the licenses should be issued to the Government officials and 80 per cent. of the licenses must be issued to the rightholders.

A separate number of licenses should be fixed for non-rightholders and visitors.

*Buffaloes' grazing.*—The subject of the buffaloes grazing is a vexing one and the Forest Department have on various occasions approached this subject purely from the forest point of view. According to the forest point of view the grazing of the buffaloes

is more harmful to the regeneration of the plants, while they have equally ignored another vital point that the buffaloes grazing in Kulu, the Forest Department have been imposing limitation on the number of the buffaloes that could be allowed to graze in Kulu. This number they have been gradually lowering down to a minimum point. The present day number of the buffaloes allowed to graze is only sufficient to meet the requirements of the forest people. This number they have fixed with respect to their own wants.

In recent years many cases of T. B. have cropped up in Kulu which have got a direct bearing with the scarcity of the supply of milk and butter.

The Forest Department issue permits to 'bun-gujjars' who are allowed to graze in demarcated as well as undemarcated forests of Kulu. In the undemarcated forests Government have no right to grant permits as it is only the naked ownership which vests in the Government and in the demarcated forests the rights of the zamindars of Kulu are recorded and in most of the forests the certain hamlets have full rights which include the rights of pasturage. Even in such forests the Government have no right to grant buffalo grazing. In Jamu-dug second class forests the resident of Phati Gojra of Kothi Jagatsukh have full rights but in spite of this fact this year bun-gujjars were allowed to graze in spite of the opposition of the rightholders.

The Association recommends that in future no permit should be issued without consulting the zamindars and forest officials should not get milk and butter from these bun-gujjars at nominal prices. Rightholders applying for permits for keeping buffaloes should be given permits :-

1. An application accompanied with an extract of Jumabandi should be presented before the Sub-Divisional Officer, Kulu.

2. The Sub-Divisional Officer should call for the report of the Tahsildar or the Naib-Tahsildar within a month and the latter should be empowered to intimate the Forest Authorities to be present at the spot.

3. If the Forest Authorities fail to depute their representative, the Tahsildar should proceed *ex parte*.

4. The Sub-Divisional Officer should be empowered to dispose of the application after receiving report of the Tahsildar. The Forest Department may be allowed to file objections before the Sub-Divisional Officer but they should not be entitled to get an adjournment for disposal of the application.

5. A perusal of His Honour the Lieutenant-Governor's report in Mr. Anderson's forest settlement report clearly shows that the notification No. 287 of 1926 was issued only with the view that some sort of check should be placed on the right of the private owners so that they should not subsequently make demands on Government forests and the position of the Government with regard to the trees on private lands was merely that of a trustee. This notification was never issued with the intention that private owners have no right to sell the trees. It is, therefore, suggested that such applications should be the general rule and rejection an exception. The Sub-Divisional Officer should not be left with the arbitrary power of their disposal. The Commission may kindly lay down the grounds for rejection which should be closely adhered to.

*Administration of trees standing on private lands.*—(a) The areas standing in the name of private persons, on which the trees of twenty kinds mentioned in rule 5 are mostly situated in the midst of undemarcated forests. The Shajra which locates the situation of such area is most unsatisfactory for it does not show the distance of such area from the cultivated area. Whenever a dispute arises as to the relative situation of the plot, the civil and the forest authorities never agree and it cannot be denied that no definite conclusion can be arrived at by the examination and the measurement of the spot. The result is that the Forest Department sometimes try to locate private owners such area on which no trees are standing.

(b) The procedure for obtaining the sanction for the sale of trees is very unsatisfactory. It takes ordinarily two or three years for the final disposal of the application. The application passes through so many hands before it is finally disposed of. The applicant has to knock at the doors of Forest Guards, Foresters, Range Officers, Patwaris and Kanungos and other executive bodies.

(c) The private owner of the trees has to face a good deal of difficulties before he actually succeeds in getting the trees marked even for his *bona fide* domestic needs. The Negi of the circle does not attend promptly to the demands of the public as the Patwari is not available for the measurement of the trees on which the trees are standing.

*Remedy.*—(a) There is a well known saying that justice belated is justice denied. The rules regarding the obtaining of sanction for the sale of trees should be remodelled in a way that the application should not ordinarily take more than three months for its disposal. Whenever it is brought to the notice of higher authorities they should at once call for an explanation from the officer responsible for the delay. It is, therefore, suggested that the following rules be added after rule 7.

#### A FEW POINTS ON HOW THE GOVERNMENT IN THE FOREST DEPARTMENT PRESS HEAVILY ON THE KULU ZAMINDARS, MANALI NEIGHBOURHOOD.

One of the chief sources of difficulty in this neighbourhood is that the villagers are unable to procure cow's milk. In fact milk is an absolute luxury. This weighs very heavily on small children, whose mothers through any reason fail to be able to feed their children from the breast. One frequently sees emaciated children of two to three years who owing to there being no milk available are being fed on the ordinary adults diet.

Now one of the chief reasons why milk is not procurable is due to the lack of grass for cattle. During the rains grass exists and is procurable from the rice fields, otherwise grass is negligible quantity, and to buy costs Rs. 2 per Government maund.

The deodar forests in this neighbourhood of 6,000 feet elevation encircle the valley on both sides of the river.

One has to mention that grass will not grow under deodar trees. The deodar forests converge on the arable land which possibly they did not do some fifty years ago.

In addition the Government have acquired in this area large tracts of arable land available for forest experimental purposes ; this should have been acquired on the slopes of the hills, the natural grounds for deodar experimental work. This research area is also all deodar.

It has been suggested that there are far too many cattle in the neighbourhood. This may possibly be so. But cattle have to be kept for fertilizing the soil, this earth is very poor, and without the litter no good crops can possibly be expected.

Again Manali is one of the jumping off places for Lahoul and Tibet with a result that large number of ponies and transport are continually passing through. No grass arrangements for these animals is ever made ; so this again accounts for a further shortage of grass. The only remedy one can suggest is that the forest be receded or the forest research area be curtailed.

A further difficulty in this neighbourhood arises in the fact of there being a great number of consumptives ; this again is due to the restriction imposed by Government in the Forest Department in allowing trees for only one house per family irrespective of actual area of each house. The result is that people are herded together.

In former times a certain proportion of trees used to be allowed to zamindars for building purposes.

Now owing to the Government's exploitation of the forests the same number of trees will by no means give the same cubic contents of timber to which the Kulu zamindar is by right entitled to.

## APPENDIX XVII.

### Translation of *Wajib-ul-Arz* of *Kothi Chung, Waziri Rupi*, as regards breaking up of Waste Land for 1911-12.

*Appendix B—Forests, Government Waste Land and Nautor.*—In our *kothi* none of the waste land except that which has been recorded as the property of the owners belongs to us. Such waste is of two kinds, firstly those forests which have been demarcated by Mr. Anderson and which belong to Government and secondly undemarcated waste which belongs to the *jagirdar*; but the trees standing on such waste belong to Government and not to the *jagirdar*. Our rights in the demarcated and undemarcated waste are detailed by Mr. Anderson in his forest settlement and the rights as to grass cutting are given in the list of such grass lands and their area is stated approximately in the same. This list is attached to the Records of Rights (*Misl Haqiyat*) of the present settlement. The undemarcated waste belonging to the *jagirdar* is broken up under leases granted after application. The procedure is as follows :—

The application is made to the *jagirdar* who orders 15 days notice to be issued for objections if any. In case of objections they are fully enquired into and regard is had to amount of the area available for general grazing and then the *patta* is granted by the *jagirdar* under the rules made by the Forest Settlement Officer, Mr. Anderson. On receipt of the *patta* the grantee is recorded as the inferior proprietor of the said land after mutation in his favour has been sanctioned. No revenue assessed on the said land is taken from the grantee for the first two years. In the third year half and in the fourth year the full revenue is realized. The *jagirdar* if he considers that the grantee has undergone heavy expenses in breaking up the waste can relax these conditions in any way and should note the fact in the *patta*. The cesses are not levied on such lands till the term of the settlement expires. If the grantee of the *patta* does not break up the waste land within one year or does not take possession in any other way, the *patta nautor* will be cancelled and thus become void. The *jagirdar* is empowered to grant *patta* to some other rightholder who has a preferential right of the same land. Every one can break up the waste recorded in his name as his property at the settlement and no permission is required for doing so. Till the term of the settlement has expired no revenue is assessed on such lands. Any *Khewatdar* if he wishes to make a water-mill or build house will have to apply to the *jagirdar* for a *patta*. The revenue assessed on such mills is realized by the *jagirdar* at the rate mentioned in section 6 of this document. The revenue assessed on another waste land described above goes also to the *jagirdar*. Nothing is realized for *abadi* sites. Small waste areas near the *abadi* of village, places used at local fairs (*sauh*), cremation grounds, cemeteries, *gahr* and *nigahrs*, sites near the road, camping grounds of travellers and waste land where any clan or tribe has any special right are not allowed to be broken up. No one has any right to break up land in the undemarcated waste without obtaining a *patta*. The revenue assessed on such waste land is levied by the *jagirdar* according to the rates fixed at settlement. If in any case several applications from individuals or villages or *phatis* or *kothis* are received for one particular plot, preference will be given to him or those who have a right of grazing in that waste.

*Unclaimed Lands.*—Unclaimed, unoccupied, abandoned or *ghairabad* land belongs to the *jagirdar*. The revenue of lands belonging to absconded proprietors is remitted by the *jagirdars* and the arrangement as to the cultivation of such lands is made by the *jagirdar* through the *Negis*, etc.

## Translation of Wajib-ul-arz of Kothi Naggar, Tahsil Kulu, as regards breaking up of Waste Land for 1911-12.

*Appendix B—Forests, Government Waste Land and Nautor.*—(i) In our *kothi* waste land other than that owned by owners, whether there are trees on it or not, belongs to Government, and its settlement was made by Mr. Anderson, Forest Settlement Officer. Such lands and trees are under the supervision of the Forest Department. The details of rights of rightholders on such lands are given in the Forest Settlement papers of Mr. Anderson. Rights of cutting grass are recorded in the lists of *phats* and *ghasnis* the areas of which are recorded approximately, and these lists are appended in the record of rights of the present settlement. Land is broken up for cultivation in undemarcated forests, i.e., Government waste after obtaining *nautor patta* from Government, the procedure of which is as follows :—

When any application for obtaining a *nautor patta* is presented, a 15 days' notice is issued to the rightholders. If any one objects, his objections are enquired into, and enquiry is also made about damage to grazing, etc., and when a *nautor* is granted, the land is alienated in the name of the applicant in his ownership. No revenue of the *nautor* land is recovered for two years. In the 3rd year half and in the 4th year full revenue is realized from him according to the incidence. If a greater expense is incurred in breaking up the *nautor* the revenue of unirrigated land is remitted for 4 years and that of irrigated is remitted for 5 years. No cesses on *nautor* land are charged till settlement. If the person to whom a *nautor* is granted does not break up the land within a year or does not take possession of it in any way, the *patta* is cancelled. If any person builds a water-mill or an *abadi* in a Government waste after acquiring a *nautor*, in such a case nothing is realized. No one is granted a *nautor* for small plots of waste lying close to the village *abadi*, without the consent of the villagers. In the same way no *nautor* is granted for the places used at local fairs, places where the dead are burned, cemeteries, *gahrs* and *nighars*, sites near the road, camping grounds of travellers or any other waste in which any clan or tribe has any right. No person is empowered to break up Government waste without obtaining a *nautor* for it. If several applications for a single plot of waste land are presented, the person in whose grazing ground the site is has a prior claim. In the same manner if several *phatis* or *kothis* apply for such a waste, the *phati* or *kothi* in whose grazing ground the waste is has a prior claim.

(ii) Until the new assessment is proposed the revenue collected from the *nautor* is, after deducting the common expenses of the *phati* (if any), divided among the land owners according to their holding. At the time of the new assessment it is brought under assessment and is recognised as a Government revenue; and the owner of the *nautor* is considered a revenue payer like others. *Nautor* fund of one *phati* has no connection with the *nautor* fund of the other *phati*.

(iii) *Unclaimed Land.*—If any proprietor dies heirless, the Government is the owner of his land. Government is empowered to auction it or to give it to any one. If any proprietor is absent or absconds or gives up the land on account of poverty, firstly his collaterals cultivate it and pay the revenue. In default of any collateral any owner in the village takes it, if there is none, the *negi* gives it to any one for cultivation. If no one cultivates it and it remains fallow the land-owners of the *phati* pay its revenue according to their holding.



## APPENDIX XVIII.

### Certain orders regarding procedure in grants of *nautor* in Kulu Sub-Division.

As the *nautor* Instructions have now assumed some semblance of finality a new file should be started as follows :—

1. (a) *Nautor* instructions for Kulu and Seraj ;  
(b) *Nautor* instructions for Lahoul.
2. Translation of *Wajib-ul-arz* for 1911-12 of—
  - (a) Kulu ;
  - (b) Seraj ;
  - (c) Rupi ;
  - (d) Lahoul ;

in so far as they relate to *nautor*.

3. Rates at which patwaris are to be paid for preparing *nautor* maps.
4. Lists of *nautors* granted after 1st January, 1937, showing applicant, area, and purposes of *nautor* to be placed on file quarterly when issued under instruction 11.
5. Copy of form in which Tahsildars are to present reports on *nautors*.

Unless some glaring defects come to light these instructions should not be altered for at least 5 years.

They have no legal sanction. They are merely executive instructions issued with concurrence of both Divisional Forest Officer and the Deputy Commissioner supplementing and explaining the Assistant Commissioner's right to grant *nautor* as stated in the *Wajib-ul-arz*.

Successive Divisional Forest Officers and Assistant Commissioners have different ideas as to the extent of their powers to influence the grant of *nautor*. The present instructions have been evolved after many years' experience and should certainly not be amended lightly.

One fruitful cause of correspondence and even embittered dispute has been the sending of *nautor* file to the Forest Department for opinion before Assistant Commissioner's sanction has been given finally. It should be remembered in this connection that the present instructions have been agreed to by both Divisional Forest Officer and the Conservator of Forests and this should be pointed out in event of any further reference by Forest Department to this point.

In cases of encroachment even in the undemarcated forest, *nautor* should never ordinarily be granted to the encroacher. He must be evicted whether he has built a house or not and prosecuted under the Forest Act if necessary.

H. J. B. TAYLOR,

Assistant Commissioner, Kulu.

25-1-1937.

## Revised instructions regarding the grant of *nautor* in the Kulu Tahsil and the Seraj Sub-Tahsil of the Kulu Sub-Division.

1. *Nautor* is ordinarily to be granted to rightholders of the *kothi* in which the land to be broken up is situated. *Nautor* may also be granted to non-rightholders for houses, shops, mills, etc., provided, in each case, that no existing rights are adversely affected. *Nautor pattas* to non-rightholders require the sanction of the Deputy Commissioner, Kangra.

2. Grants to rightholders for cultivation will be made on payment of a *nazrana* of one rupee per *bigha* and for all other purposes on payment of a *nazrana* of one rupee per *biswa*. Grants to non-rightholders will be made only on payment of the full market value of the land. The *nazrana* or price realized will be credited to the *Kothi Fund*, except in Waziri Rupi where the money will be paid to the Rai.

3. Applications will in the first instance be presented to the Assistant Commissioner, except in Waziri Rupi where they will be presented to the Rai. But no application for *nautor* in any *bihal* or in any of the undermentioned *kothis* and *phatis* will be entertained without the written permission of the Assistant Commissioner for its submission and will not be granted without the sanction of the Deputy Commissioner, Kangra :—

Kothi Manali.	Kothi Banogi.
Kothi Jagatsukh.	Kothi Bunga. Phati Dhaungi.
Kothi Barsai.	Kothi Chaihni.
Kothi Naggar.	Kothi Shikari.
Kothi Raisan.	Kothi Tilokpur.
Kothi Bajaura.	Kothi Kharagarn. Phati Rishala.
Kothi Harkandhi.	Kothi Jalori. Phati Kheni.
Kothi Chung.	Kothi Baramgarh. Phati Sarahan (only plateau near R. H.).

Also the number of *kothis* and *phatis* which are to be excluded under this paragraph might be extended so as to protect land adjacent to Public Works Department roads and rest-houses.

4. Applications will be dealt with by the tahsils as soon as they are received. Notice is to be given to the rightholders that the application is pending and that 15 days will be allowed for objections from the date of service of notice. The Field Kanungo, on his next visit to the *kothi*, will inspect the site and record the rightholders' statements and check the *tatima shajra*; in this report he will note whether there are any reserved trees standing on the land and the proximity of any road or path. Except when no objections are raised or unless it is clear that the application should be refused the spot is to be inspected by the Tahsildar or Naib-Tahsildar before the tahsil report is written. The papers will then be returned to the Assistant Commissioner. Unless summarily rejected the files, except in cases where there are no reserved trees standing on the land, will then be sent to the Divisional Officer for his opinion; if this is favourable

the value of the trees on the land will be noted. If the site adjoins a Public Works Department road the Sub-Divisional Officer, Public Works Department, will also be consulted.

5. In Waziri Rupi the Rai will follow the procedure laid down in the *Wajib-ul-arz* as to the time to be allowed for objections and the recording of the statements of the rightholders on the spot. When any of the reserved trees are standing on the land reference will be made to the Divisional Department or by the people who have been accustomed to exercise rights in the waste, the matter shall, unless the application is forthwith rejected, be referred to the Assistant Commissioner for decision.

6. The deed of *nautor* shall contain such of the provisions of these rules as affect the right of possession granted.

7. After the grant is sanctioned the file will be sent through the tahsil to the patwari for a mutation to be entered up. In Waziri Rupi the Field Kanungo will check the corrections of the *tatima shajra* before the mutation is entered up.

8. Grantees on being given possession must at once mark out the land accurately by *burjis* or low walls according to the demarcation of the patwari.

9. If a rightholder lodges an objection within one month of the date from which possession is taken and the objection is upheld the lease may be cancelled without the grantee being entitled to compensation.

10. If land granted is not taken up within one year it will be resumed unless an extension of time is specially obtained.

11. At the end of each quarter the Assistant Commissioner and the Rai of Rupi will forward a statement, for each Forest Division separately, showing the particulars of the grants of *nautor* sanctioned in the preceding three months, to the Divisional Forest Officer for the information of the Forest Staff.

**APPENDIX XIX.**

**Statement showing the estimated and actual expenditure  
on the Commission.**

*Estimated.*

				Rs.
1.	Pay of officers ( <i>Non-voted</i> )	..	..	11,950
2.	Travelling Allowance ( <i>Non-voted</i> )	..	..	3,000
3.	Pay of establishment	..	..	600
4.	Travelling Allowance ( <i>Voted</i> )	..	..	3,830
5.	Contingencies	..	..	780
6.	Rounding	..	..	40
				<hr/>
			Total	20,200
				<hr/>

*Actual.*

1.	Pay of officers ( <i>Non-voted</i> )	..	..	11,900
2.	Travelling Allowance ( <i>Non-voted</i> )	..	..	1,310
3.	Pay of establishment	..	..	600
4.	Travelling Allowance ( <i>Voted</i> )	..	..	2,730
5.	Contingencies	..	..	780
				<hr/>
			Total	17,320
				<hr/>

## APPENDIX XX.

### Estimated cost of the recommendations made in the report of the Forest Enquiry Commission.

I.—Creation of a minor Forest Division in place of the existing sub-division in Attock district, with headquarters at Campbellpur.

(Vide recommendation No. 1)

(Summary of recommendations III (b) )

#### ESTIMATED EXPENDITURE.

##### A.—ESTABLISHMENT.

	Rs.	Rs.
<b>(1) Headquarters—</b>		
Pay of Divisional Forest Officer (I. F. S.) ..	12,000	
Overseas pay of Divisional Officer ..	..	
Pay of 4 clerks—		
1 III grade .. .. .	1,200	
3 IV grade .. .. .	2,300	
Pay of 4 peons .. .. .	700	
Travelling allowance of Divisional Forest Officer ..	2,000	
Travelling allowance of camp staff ..	500	
<b>Total Headquarters</b> .. .. .	<u>          </u>	<b>18,700</b>
<b>(2) Range—</b>		
Pay of 2 Forest Rangers .. .. .	3,000	
Pay of 2 Range peons .. .. .	300	
Travelling Allowance of 2 Forest Rangers and 2 Range peons ..	9,600	
<b>Total Range</b> .. .. .	<u>          </u>	<b>12,900</b>
<b>Total A.—Establishment</b> .. .. .	<u>          </u>	<b>31,600</b>

##### B.—OFFICE EQUIPMENT AND RENT AND TENTS.

(1) Headquarters .. .. .	2,200	
(2) Two Range quarters .. .. .	300	
(3) Contingencies .. .. .	1,500	
<b>Total office equipment, etc.</b> .. .. .	<u>          </u>	<b>4,000</b>
<b>Total estimate of Division</b> .. .. .	<u>          </u>	<b>35,600</b>

**PRESENT EXPENDITURE.**

	Rs.	Rs.
Pay of Sub-Divisional Officer .. .. .	6,500	
Travelling Allowance of Sub-Divisional Officer .. .. .	750	
Pay of one clerk .. .. .	400	
Pay and travelling allowance of peon .. .. .	250	
	<hr/>	
Total .. .. .		7,900
		<hr/>

**INCREASED COST TO GOVERNMENT.**

Case (1) Considering establishment only Rs. 18,700 — Rs. 7,900 .. .. .	10,800	
Case (2) Including office equipment .. .. .		13,000
 II.— <i>Appointment of a Guzaras Forest Officer to act as Assistant to the Deputy Commissioner, Rawalpindi district (vide recommendation No. 2, summary of recommendations III (c))—</i>		
Pay of one Provincial Service Officer .. .. .	6,500	
Travelling allowance of above .. .. .	750	
Pay and travelling allowance of peon .. .. .	250	
	<hr/>	
Total .. .. .		7,500
 III.— <i>Appointment of a Forest Officer to frame proposals for the management of village forests in Kangra district (vide recommendation No. 4, summary of recommendations V (a))—</i>		
As for II .. .. .		7,500
		<hr/>
Total increased cost to Government .. .. .		28,000
Estimated minimum profit to Government in cash resulting from adoption of proposals .. .. .		50,000
		<hr/>
Estimated net profit .. .. .		22,000
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