

APPENDIX-XVII (a)
HIMACHAL PRADESH FOREST DEPARTMENT
NOTIFICATIONS

Dated Shimla - 4, the 25th February, 1952, No. Ft. 29-241/BB/ 49. In exercise of the powers conferred by Section 29 of the Indian forest Act (XVI of 1927) as applied to H.P. read with the Govt. of India, Ministry of State Notification No. 146 dated the 6th Dec., 1950, the Chief Commissioner, H.P. is pleased to declare the provision of Chapter IV and that Act applicable to all Forest lands or waste lands in H.P. which are the property of Govt. or over which the Govt. have proprietary rights or to the whole or any part of the produce of which the Govt. is entitled as record in the forest Settlements or land revenue Settlements of land revenue records of the integrated states, otherwise except to the following areas:

- (1) Rantu Salana, Chambi Kuffar, Kalala and Tomru of Kotkhai illaqua and Nagkelo of Kotgarh illaqua declared as reserved forests in the Punjab Government Notification No. 175, dated the 15th April, 1985.
- (2) Chamba State forests declared reserved forests vide Chamba Darbars Notification No. 76-43 dated the 10th November 1943.
- (3) Sirmour State Forests declared reserved forests, in Sirmour Darbaris Notification.

1)	No. 1 dated the 17 th Jaith, 1985	Bikrani
2)	No. 2 dated the 13rd Chait, 1991	Bikrani
3)	No. 14 dated the 17 th Sawan, 1990	Bikrani
4)	No. 38 dated the 27.12.1992	Bikrani
5)	No. dated the 1 st Chait, 1937	Bikrani
6)	No. dated the 1 st Chait, 1947	Bikrani
7)	No. II dated the 2 nd Poh, 1949	Bikrani
8)	No. dated the 11 th Bhadon, 1982	Bikrani
9)	No. I dated the 17 th Jaith, 1952	Bikrani

This notification applies to all lands in old Mandi State containing tree growth except such lands as have been excluded in the Forest Settlements as cultivated or as in the Malguzari of a private person.

By order
Chief Conservator of Forests,
and
Secy. (Forest Department) to
the Chief Commissioner,
H.P. Admn.

APPENDIX-XVII (c)

GOVERNMENT OF HIMACHAL PRADESH

NOTIFICATION

Shimla-4, The 25th February, 1952.

Ft. 43-241-A/49-3. In exercise of the powers conferred by section 32 of the Indian Forest Act (XVI of 1927) as applied to Himachal Pradesh read with the Govt. of India. Ministry of States, Notification No. 146-J dated the 6th December, 1950, the Chief Commissioner, Himachal Pradesh is directed to make the following rules for such areas in the old Kumarsain Khaneti, Sangri, Darkoti, Ghog, Ghund, Balson, Madhan, Keonthal, Koti Ratesh and Bhajji States including the pepsu areas which have been declared as protected forest in Himachal Pradesh Govt. Notification No. 43-241-BB/19 dated the 25th February, 1952.

RULES

1. In these rules, unless there is something repugnant in the subject or context.

“First class Protected Forests” means the demarcated forests detailed in Schedule 1 of this Notification.

“Second class Protected Forests” means the (a) undemarcated forests. (b) Uncultivable waste lands with or without trees (c) all ghasnies and Banis in the possession of Zamidars and all land near habitation, which are the property of Government and assessed to land revenue.

“Divisional Forest Officer” means the officer for the time being in charge of the Lower Bashahr or Shimla Forest Division, as the case may be.

“Record of rights” means the record approved by the Superintendent, Hill States, Shimla in respect of the various States named above.

“Right-holder” means a land holder, whether as owner, cultivator or mortgagor who settled or may settle in future in the territories of the above states.

“Trees and Timber” shall have the same meaning as defined in the Indian Forest Act (XVI of 1927).

“Cattle” means cows, bullocks, sheep and goats; ponies and mules, but not buffaloes, elephants and pigs.

“Right” means rights admitted in the Record of rights

2. Except where the contrary is stated; the Rules apply to the protected forests of all classes.

3. The exercise of rights is restricted to the bonafide produce obtained in the exercise of rights shall not be bartered, sold or given as a gift or in any other way disposed of by right holders.
4. Grant of trees required for building construction by the right holders will be subject to the following conditions:-
 - (a) A right-holder will apply to the Divisional Forest Officer for the grant of trees when a new house is to be built or an old one is to be repaired.
 - (b) Trees shall be marked by the Forest Department for felling only on payment of fees to be fixed from time to time.
 - (c) The assessment of number of trees to be granted will be based on the sole condition that house be constructed and repaired conforms to the usual repairs of building which right holders generally use for their residence in the locality concerned. No tree will be granted for building to be given on rent or to be used as a shop.
 - (d) The trees granted shall be used only for purpose for which they are granted and no timber or trees required by right-holders in the exercise of their rights may be sold bartered in any alienated.
 - (e) Saw and not axe would be used by the right-holders for splitting the trees into planks and scantlings.
 - (f) The period of felling of trees and removal of timber shall be three months. It may be extended to six months on payment of one fourth of the original fee.
 - (g) Trees will not ordinarily be granted more often than once in five years to any right-holder but in case of accidental burning of the applicant house or other misfortune trees may be granted at a shortest interval then five years to make the actual requirement of a right-holder.
 - (h) The building shall be constructed within the limits of the village where the cultivated land on account of which the trees are given is situated unless the contrary has been specially allowed.
 - (i) If trees are available in the II class protected forest these may be given first from there otherwise from the I class protected forests.
 - (j) Unmarked trees of all species except Deodar, Kail, Chil, Rai, Oak and Walnut may be cut free by right-holders under a written permit for the following proposes :- (a) Fuel for marriage feasts (b) Fuel for funeral ceremonies and (c) for making agriculture domestic implements

- (k) Right-holders may cut crooked and unsound trees of inferior class where are not available for burning the dead without permission provided intimation is given to the local forest guard within the week of such felling. Felling of Deodar trees for burning the dead is prohibited.

5. Trees required by the custodians of village temples shall be marked by the forest department in forests owned by the temple and, if no trees are available therefrom, from the second class protected forests and if no trees are available there then from 1st. class protected forests according to the rights specified in the Record of rights.
6. The right-holders may fell nirgal and bhashal trees for making and kiltas and baskets required for their own domestic and agriculture requirement provided information is given to the local forest guard before as well as after felling.
7. Right-holders requiring trees for water mills, water courses, formed wood for oil mills will apply for the grant and on the application being sanctioned Kail or Chil shall be granted free of charge, if available.
8. Right-holders may lop oak and other broad leaved trees for making sohaga and shamains etc.

In case they cut trees for this purpose, intimation must be given to the local forest guard within seven days of their having done so.
9. Right -holders may be granted Oak, Kail or Chil trees on payment of prescribed fee for conversion into charcoal required for the preparation of repairing of agriculture implements. In first class protected forests, Divisional Forest Officer, may allow lopping of big Kail trees free of charge of burning into charcoal.
10. Burning charcoal in the first class protected forest is prohibited except in the nalas, khads and under such conditions as the Divisional Forest Officer may impose.
11. The Right holders may graze such cows and bullocks as are required by them for domestic and agriculture needs in the first and second class Protected Forests , except Moharanal Forest of Bhajji Range.
12. (a) Grazing of sheep and goats in 'shal', flocks is prohibited in first class Protected forests.
(b) Grazing of sheep and goats in 'toli' is prohibited except in the fir forests.
13. Grazing by buffaloes is prohibited in deodar and kail forests except for the limited number (to be specified by Govt. from time to time).

14. Non agricultural residents may also graze cattle in the second class protected forests on payment of prescribed fees provided that no right is thereby conferred and that the concession may be revoked any time.
15. Right holders shall not sell or lease their rights of grazing in the forests nor give permission to others to graze.
16. (i) No land shall be broken up or cleared for cultivation or any other purpose in the first class protected forests.
- (ii) No land shall be broken up or cleared for cultivation or any purpose in second class protected forests except with the permission in writing of the Deputy Commissioner of the Distt.
17. Removal of bark from green trees prohibited.
18. Gridling and tapping of trees and outing of torch wood from deodar and other trees is prohibited.
19. (a) Oak and broad-leaved species above 1 feet in girth may be lopped provided the upper one-third of the crown is not touched
- (b) Rai trees (Spruce and fir) over one and a half foot in girth may be lopped provided upper half of the crown is left untouched.
20. The right-holders may cut, collect and remove the following for purpose of domestic and agricultural requirements without obtaining any permit:-
 - (a) All dry fallen trees, except deodar, Walnut, Shisham and Kail, over 2 feet in girth.
 - (b) Branches of all dry and fallen trees.
 - (c) Stumps of felled trees provided the hammer mark on the stumps is left intact.
 - (d) Refuse from felling.
 - (e) Brushwood.
 - (f) Such trees as may be marked for the purpose by the Forest Department.
 - (g) Stones and saltes from second class protected forests for their own domestic and agricultural requirements. Starting of new quarries without permission is prohibited.

- (h) Earth for plastering and marking pots.
 - (i) Grass for domestic cattle as specified in the records of rights.
21. Construction of water courses in the first and second class protected forests is prohibited except with the permission of the Government.
 22. Burning ghats admitted in the settlement will be permitted to be used as such.
 23. Subject to such restrictions (including complete stoppage) as the Government may impose the right holders and others may exercise the following privileges:-
 - (a) Collection of small quantities of violet flowers in the hot and rainy season, collection of mushroom and edible medicinal roots in summer, and collection of walnuts and sharoli in autumn and sale of any of these provided the sales do not take the nature of trade.
 - (b) Removal by shoe-makers of bark from fallen trees and of wood from the deodar stumps (of felled trees) leaving the hammer marks intact.
 - (c) Removal of yew leaves.
 - (d) Extraction of deodar oil from deodar chips or, wood from its stumps and roots or making of kiln for the purpose in first class protected forests is prohibited, but Divisional Forest Officer may permit its construction in II class protected forests on payment of fees prescribed by Governments.
 24. Grazing by nomadic gujars is prohibited except to the extent allowed by Government on specified conditions and regulations and on payment of such fees as may be prescribed.
 25. The following rules are only applicable to the II class protected forests:-
 - (a) The trees are divided into two categories as under:-

Trees of first category.

Deodar, Kail, Chil, Rai pindrai, Ban, Mohru, Kharshu, Akhrot, Shisham, Tun, Kakar, Siris, Shamshad, Khu and Khair.

Trees of second category.

Kharak, Bawal, Drek, Karal, Chulti, Challan, Kanish, Kainth, Figs, Baras, Beons, Tayamal, Umar, Nirgal.

- (b) The zamindars may lop all trees of the first and second categories except deodar, shisham and tun, provided that the lopping is confined to the lower middle part of the

crown. In the case of ban, mohru and Kharashu the lopping may be extend to the top of the tree.

- (c) When there are no Kail trees available near the cremation grounds, the zamindars may cut deodar trees upto 3 feet in girth for burning the dead.
- (d) Cutting of grass from the ghasnis is prohibited except by those who are in recorded possession of them. Likewise lopping of mohru and ban in lands near habitation is prohibited except by those who are in possession of them.

By order

Sd/-

*For chief Conservator of Forests & Secretary
(Forest Department) to the chief Commissioner
Himachal Pradesh Administration.*

No, Ft.43-241-A/49-3. Dated Shimla-4, The 25th February, 1952.

Copy is forwarded to:-

1. All Deputy Commissioners in Himachal Pradesh.
2. All Conservators of Forests in Himachal Pradesh.
3. All Divisional Forest Officers in Himachal Pradesh, for information.
4. The Manager, Govt. of India Press, Shimla, for favour of publication in part III of section 3 of Government of India Gazette.

Sd/-

*For chief Conservator of Forests & Secretary
(Forest Department) to the chief Commissioner
Himachal Pradesh Administration*

APPENDIX-XVII (d)
HIMACHAL PRADESH GOVERNMENT
FOREST DEPARTMENT
NOTIFICATION

Dated: Shimla - 4, the 25th February, 1952,
No. Ft. 43-241/E/ 49. In exercise of the powers conferred by Section 30 (c) of the Indian Forest Act (XVI of 1927) as applied to H.P. read with the Govt. of India, Ministry of State Notification No. 146-J dated the 6th Dec., 1950 the Chief Commissioner, H.P. is pleased to prohibit the breaking up or clearing for cultivation for building, for herding cattle or for any other purpose of land in the demarcated protected forests throughout Himachal Pradesh.

By order

Sd/-

For Chief Conservator of Forests,
and

Secretary (Forest Department) to
the Chief Commissioner, H.P. Admn.