

CHAPTER 39

Forest Settlement, Forest Survey, Demarcation, Maintenance of Boundaries & Forest Maps

- 1. Notification, Preliminary, demarcation and appointment of Settlement Officer Section 4, RFA 1953**
 - 1.1 After a proclamation under Section 4 (for Reserved Forest) or 29 (for Protected Forest) has been issued by the State Government, as to their decision to declare certain areas as reserved or protected forest, a Forest Settlement Officer is appointed to enquire into the rights and claims of neighbouring villages under section 4 or 29 of Rajasthan Forest Act, 1953. The area is roughly demarcated on the ground with a cleared strip to make such points conveniently visible.

- 2. Proclamation by Forest Settlement Officer Section 6 RFA 1953**
 - 2.1 Forest Settlement Officer on procuring the sketch map of the block with descriptions of the boundaries, issues a proclamation under section 6 specifying the situations and limits of the proposed reserve and also explaining the consequence thereof. Proclamation is issued in Hindi and posted in each and every village / town neighbouring the forest area and is also proclaimed with the beat of drum or any other convenient method.
 - 2.2 A period of 3 months (minimum) is allowed for entertaining the claims.

- 3. Inquiry by Forest Settlement Officer-Section 7 RFA 1953**
 - 3.1 The Forest Settlement Officer visits almost all the villages in the neighbourhood of the proposed Reserve Forest and on expiry of the statutory period of 3 months, enquires into the claims of all the villagers received by him by taking down statements examining the records and by all feasible means. He ascertains the manner in which the constitution of Reserve Forest would affect the people in the

neighbourhood, the right to which they are legally entitled and the concessions, which are desirable for the Government to extend to them in future. Forest Department is also heard like a party.

- 3.2 Rights not claimed or about which Forest Settlement Officer does not acquire any knowledge are extinguished.

4. **Settlement of rights and claims-Section 10,11,12,16 etc.**

- 4.1 There are following types of claims which Forest Settlement Officer is required to settle:

4.1.1 Right to practise shifting cultivation.

4.1.2 Claims to the whole of land itself or (more likely) part of land within the proposed forest.

4.1.3 Right of way, watercourses etc.

4.1.4 Right in nature of easement or otherwise which involves taking some produce.

4.1.5 Rights of pastures and grazing.

4.1.6 Rights of grass cutting.

4.1.7 Rights of litter of lopping.

4.1.8 Right to collect minor forest produce.

4.1.9 Right of hunting and fishing.

- 4.2 In order to settle these claims, the Forest Settlement Officer generally agrees to rights like right of way, water courses, worship etc. but limits are specified (section 12) Practice to shifting cultivation is agreed to in full or in limited extent after consultation with the State government (Section 10).

- 4.3 Right to land may or may not be agreed to or agreed in part depending upon the documentary evidence tendered by the claimants unless the land so disputed is required to be acquired by Forest Settlement Officer where he acts as Land Acquisition Officer. He may acquire or exclude the land from forest boundary or exchange the same suitable piece of land with concurrence of the Collector (section 11). It may be noted that the Forest Settlement Officer is not competent to exclude any land from the preliminarily notified forest land as the land to be included in the "Protected Forests can only be Government land.

The Hon,ble High Court has held in one case¹ that “... .. now even if it is presumed that the forest settlement officer had the powers to enquire into and determine the existence, nature and extent of rights of any person in or over the “protected forest”, then also by no stretch of imagination could it be said that the Rules framed under the said Act empower the Forest Settlement Officer to exclude any portion of land from the limits of the “protected forest”. Even as per rule 12 of the said Rules, the Forest Settlement Officer, after making necessary enquiry with regard to the rights of the claimants is required to send the report to the Conservator of Forests and as such is not authorized or competent to exclude any portion of land from the area of the forest land much less “Protected Forest”....”

- 4.4 Right to other forest produce or rights in the nature of easement are properly defined, quantum specified and periodicity in respect of availability is laid (section 14)
- 4.5 Rights may be commuted in accordance with the guidelines laid down by the government in this behalf.

5. Appeal-Section 17,18

- 5.1 The appeal against the judgment of Forest Settlement Officer can be preferred within 3 months of the passing of such orders, with the Collector or the authority empowered in this behalf. The orders passed on Appeal are final subject to the revision by the Govt.

6. Final Notification- Section 20

- 6.1 After the appeals have been disposed and statutory period laid down for appeal is over and no appeal has been preferred or statutory provisions of time limits laid down for land to be acquired has elapsed, the Govt. publishes a notification under section 20 (Reserved Forest) or 29(1) (Protected Forest) declaring the area to be Reserved / Protected Forest from the date of publication. The FSO publishes a Hindi version of the notification for the adjoining villages.

7. Revision-Section 22

- 7.1 The State Govt. reserves the right to revise the arrangements in respect of any right or appeal thereof (Section 15,18) within 5 years of the date of publication with a previous notice to the persons so affected.

1. HC Jaipur Bench Order dt DB Special Appeal No 1812/ 2011 in SB WP (C) No 2798/2007 Ajit Pd Saini and Ors vs the State of Rajasthan.

8. Demarcation and Maintenance of Boundaries

- 8.1 Demarcation of Boundaries.** The boundaries of all forests whose limits have been decided upon and all other lands which are in the undisputed possession of the Forest Department shall be demarcated on the ground by cut lines and easily recognised boundary pillars which should be placed on the outer edge of the cleared line. Boundary pillars should preferably be of stone monoliths 5"x5" in cross section. Where stone monoliths cannot be obtained, the boundary pillars must be of pucca stone masonry.
- 8.2 The cost of clearing and demarcating a boundary line will be met by the Government.
- 8.3 The work of demarcation will be carried out by the Forest Department.
- 8.4 The following specifications are prescribed:-
- 8.4.1 Outer Boundary Pillars:- The overall length should be 3 ½ ft. to 4 Ft. in length of which 18" shall be under ground and 2-2 ½' above ground. The cross-section should be 5"x5" or 5"x6". They should be serially numbered. The numbers should preferably be engraved and should be painted over with Black Japan on a white enamel paint background. The top 9" will be painted with red enamel. The next 9" will be painted with white enamel paint.
- 8.4.2 The faces on which the serial numbers are engraved or stenciled will be 2" below the top and 4" broad and 3" long. The faces should be dressed smooth. The length of the numbers engraved or stenciled will be 2" and before they are engraved or stenciled the faces should be dressed smooth. On the top of the pillars the letters 'F.D.' should be written, preferably engraved. The length of letters engraved should be 2 ½". The faces will be painted with white enamel numbers and letters engraved will be painted over with Black Japan.
- 8.4.3 In fixing the pillars it should be seen that the letters 'F.D.' face the outer boundary. Each pillar will be painted with red and white paint.
- 8.4.4 Inner Boundary Pillars:- The overall length should be 3', 18" being under ground. The cross-section should be 2"x5" and they should be serially numbered and the numbers

should preferably be engraved and painted over with Black Japan on a white enamel paint background.

- 8.4.5 Outer Boundary Pillars (Masonry):- The overall height above ground should be 2' 9" and the top 9" of the pillars should be pyramid. The sides should be 18" square with a stone engraved number plate painted over with Black Japan on a white enamel background. The pillar must be white. They should be serially numbered.
- 8.4.6 Inner Boundary Pillars (Masonry):- The overall height above ground should be 1' 9". The top 9" should be a pyramid. The cross-section above ground should be 12" square. The serial number plate should be of the same type as for the outer boundary pillars.
- 8.4.7 The pillars should be fixed in such a manner that each pillar is clearly visible from the one in front and the one behind it. The numbering should be done in a clockwise manner.
- 8.4.8 When a stream or ravine is selected as a boundary, the outer bank should as a rule be taken as the boundary.

8.5 **Maintenance of Boundaries.**

- 8.5.1 The maintenance of boundaries is the concern of the territorial staff. The Range Officer shall inspect the boundaries in his range once a year and shall be responsible to see that the boundary lines are cleared and the boundary pillars are kept in repairs annually. The Divisional Forest Officer shall inspect annually one-fifth of the boundary himself or depute a Gazetted assistant to do so. An inspection register shall be maintained in the Range Office and the Divisional Office showing the dates on which the inspection has been made, the state of the boundary lines and pillars and whether any encroachment has taken place or not.

9. **Forest Surveys and Maps**

9.1 **Forest Surveys :**

- 9.1.1 The procedure to be followed in connection with forest surveys and forest maps is described in the Forest Settlement Rules reproduced in Volume I of the Manual.

9.2 **Boundary Surveys. :**

- 9.2.1 In cases where discrepancies arise between maps of the

Settlement Department and those of the Forest Department, the boundaries as surveyed by the former department should usually be accepted as correct; if the land has not been surveyed by the Settlement Department, the boundary on the ground should be assumed to be correct. The forest map will be amended if necessary after formal approval. In cases when the Divisional Forest Officer has good reasons to believe that the interests of Government have been materially prejudiced by an error in the alignment of the boundary as accepted by the Settlement Department or as marked on the ground, he should report the circumstances, sending a plan of the present line and of the one he considers the correct one to the Collector of the district, who will submit a report on the case through the Conservator of Forests to the Commissioner of the Division. The Commissioner and the Conservator will form a committee to examine the question whether the boundary should be realigned, and in the event of their disagreement, the matter will be referred to the Government. In districts under survey of settlement, the Settlement Commissioner will take the place of Commissioner of the Division in this Committee.

- 9.2.2 When the Committee agree that part of the forest has been encroached upon, but that it is inadvisable to re-include the encroachment within the forest boundary, the matter shall be reported to Government by the Commissioner of the Division or Commissioner of Settlements, as the case may be, for orders with a recommendations to the mode of settlement of the excluded area.

9.3 **Forest Maps.**

- 9.3.1 Until the disposal of a dispute about the area, either party shall refrain from any action in this regard.
- 9.3.2 Forest maps can be obtained from the Survey of India, Dehradun, on indents countersigned by a Divisional Forest Officer of officer of superior rank. Indents for other printed maps from the Map Record and Issue Office, Calcutta, require the counter signature of the Conservator or Chief Conservator of Forests.