

CHAPTER X.—THE VILLAGE FOREST.

143. The term 'village forest' shall mean forest-growth growing on all forest or waste land within the boundaries of a village, or land classed as forest land, waste land, or scrub jungle or equivalent terms, in the record of rights relating to the village and shall include trees, self-sown or otherwise. The term shall not include forest-growth growing on the occupied area or on the area recorded as the village site or set apart for such purposes as camping grounds, resting places for cattle or such other lands meant for general use as may be prescribed.

144. (1) The management of the village forest of any village shall be entrusted to a *panchayat* consisting of such persons and appointed in such manner as may be prescribed by rules made under this section ; provided that revenue or forest officials may be appointed to give directions to, or to prepare a working plan for, the *panchayat* in connection with the management of the village forest.

(2) If at any time it is found that there is material violation of the provisions of this Law or rules made under it, or that protection of any village forest is necessary, the Dewan may, after recording his reasons, proclaim that the village forest of the village will be protected by the State.

(3) With effect from the date of such proclamation the jurisdiction of the *panchayat* over the village forest shall cease and the Dewan shall take such steps or issue such orders as may be necessary for the protection of the forest-growth and management of the village forest.

145. (1) All residents of a village shall have a right of user or *nistar* for any *bona-fide* agricultural or domestic purpose in the village forest.

Provided that the Dewan may, having regard to the condition of the village forest and the availability of forest-growth elsewhere, direct that persons following professions requiring large quantities of fuel or other forest-growth, shall obtain their requirements elsewhere.

(2) In the absence of land containing forest growth, or forest growth adequate for the needs of the residents of the village, the State may set apart other areas from which the residents may obtain their requirements, or permit *nistar* in the village forest of any other village.

(3) No fee shall be levied from the residents of a village for the right of user or *nistar* unless the village forest, or other area set apart for the purpose, is adequate to meet their reasonable needs in this respect.

146. (1) If it is found that there has been cutting of the forest growth in a village forest in contravention of the provisions of this Law and the village forest is likely to be exhausted unless protected, the Dewan may prohibit the taking of *nistar* or regulate it in such manner as may be considered necessary in the interests of preservation of the village forest.

(2) Rules may be made regarding the appointment of guards to watch the village forests, the recovery of the costs of such guards or management from the residents of the village as arrears of land revenue and such other matters as may be found necessary.

147. (1) Trees of the following species shall not be cut in village forests without the previous permission of the Dewan :—

Mango, tamarind, mahua, achar, jamun, harra, palas, kusum and jack fruit.

(2) Permission to cut fruit-bearing trees shall not be given unless the tree has ceased to bear fruit or unless no other timber is available and the tree can be cut without any substantial reduction in the *nistar* of the village.

(3) No fee shall be levied for permission to cut any tree.

148. (1) No shifting cultivation shall be permitted except in areas specially reserved and notified for the purpose ; provided that the cutting of forest-growth for the purpose of making nurseries for seed may be permitted in such areas as may be specified by the Dewan.

(2) In cutting timber trees, seed bearing trees at a rate of not less than 30 per acre of the principal kind cut shall be left ; and the total number of trees of all kinds left standing shall not be less than 90 per acre evenly distributed over the area in which cutting is effected,

(3) Timber and brushwood shall be cut flush with the ground.

(4) In cutting bamboos all clumps of less than two years' growth shall be left in the clump.

(5) No cutting shall be done within 20 yards of either bank of a stream which ordinarily retains water until January.

(6) No tree shall be ringed for resin so as to cut the bark round the entire circumference and no tree shall be deprived of so much of its bark as is likely to cause it to die.

(7) No tree on waste lands not included in village forest shall be cut except by order of the Dewan.

149. Persons committing a breach of any of the provisions of sections 147 or 148, or acts in contravention of an order of the Dewan under sections 144 or 146, shall be liable, by order in writing of the Dewan, to a penalty not exceeding Rs. 200 or, if the breach be a continuing one, a penalty not exceeding Rs. 10 for each day during which such breach continues.

150. (1) The cattle of all agriculturists shall be entitled to graze free within the boundaries of the village.

(2) For the purposes of this section 'agriculturist' means a person who derives his livelihood mainly from agriculture, or such other persons or class of persons essential to, or forming part of, the agricultural community as the Darbar may, by notification, specify.

Explanation.—'Agriculture' does not include cattle breeding or dairy farming.

(3) The grazing of cattle of persons who are not agriculturists shall not be permitted within the boundaries of the village if there is reserved forest or other are available for grazing a distance of four miles from residential area of the village, unless the pasture available within the boundaries of the village is considered adequate for all the cattle of the village.

(4) A fee may be imposed on the cattle of persons who are not agriculturists, permitted to graze within village boundaries :

Provided that cattle actually used for cultivation may be exempted.

Explanation.—Cattle means cows, buffaloes, sheep or goats and the males of these animals.

151. (1) Notwithstanding any custom to the contrary, the residents of a village shall not have any right to propagate lac or tussore in the village forest.

(2) The State may permit the propagation of lac or tussore in village forest on payment of a tree tax or may lease out the right to a contractor :

Provided that if the right is leased out to a contractor, the State may require that the residents of the village shall have preference over others not so resident in being employed for the purpose of propagation.

152. (1) The residents of a village shall have no right to myrabolams (*harra*) or *tendu* (*Diospyros melanoxylon*) in village forest and the State may dispose of the right to them by lease or otherwise ;

Provided that where the residents have a customary right of appropriation of myrabolams or *tendu* for their *bona-fide* domestic use before the commencement of this Law, such right shall be recognised.

(2) If the right to myrabolams or *tendu* is leased out, the State may require the lessee to employ the residents of the village as far as possible for collection and fix the wages payable to them.

153. (1) No forest growth from a village forest or other uncultivated unoccupied land within the boundaries of a village shall be sold or leased out to any person.

(2) Cultivation of any area included in village forest shall not be permitted save in consultation with the *panchayat*, if any, appointed under section 140, and the forest officer of the State.

(3) A tenure-holder shall have no rights of user in a village forest other than as a resident of the village.