

NEW SERIES No. 26.

SELECTIONS FROM THE RECORDS

OF THE OFFICE OF THE

FINANCIAL COMMISSIONERS, PUNJAB.

No. 51.

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CONTENTS.

Forest Conservancy in the Kangra District.
[Supplementary to LXXX.]

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Lahore:

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1912.

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FOREST CONSERVANCY IN THE KÁNGRA DISTRICT.

No. 1483, dated 24th March 1868.

From—The Secretary to Financial Commissioner, Punjab,
To—The Secretary to Government, Punjab, Public Works Department.

At the suggestion of Doctor Stewart, Conservator of Forests, forwards
Proceedings of Committee No. 347, dated 6th June 1867, from Government, Punjab, to Financial Commissioner.
for publication in the Proceedings of the Public Works Department, the papers noted in the margin, connected with Forest Conservancy in the Kánga district.

No. 347, dated 6th June 1867.

From—The Secretary to Government, Punjab, Civil Department,
To—The Secretary to Financial Commissioner, Punjab.

THE Honourable the Lieutenant-Governor having carefully considered

1. Précis of all the correspondence available in the Secretariat and Financial Commissioner's offices on the subject of the Kánga Forests, drawn up by Mr. J. B. Lyall, Settlement Officer.

2. Rules for the conservancy of forests and jungles in the hill districts of the Punjab, submitted to the Supreme Government in this office letter No. 196-447, dated 3rd March 1855.

3. Reply of Government of India, dated 21st May 1855, sanctioning the above rules.

4. Financial Commissioner's letter No. 584, dated 22nd November 1866, submitting correspondence from Settlement Officer, Kánga, Conservator of Forests, and Commissioner of Jullundur, regarding proposals for amending the existing system of forest conservancy in Kánga.

5. Letter from Secretary to Financial Commissioner, No. 72, dated 7th February, submitting further correspondence from the same officers.

6. Report of Committee appointed by His Honour to consider the proposals made in the above correspondence.

7. Letter from Commissioner, Jullundur, No. 165, dated 16th May 1867, conveying his views upon the subject.

the documents and correspondence marginally noted, is pleased to issue the accompanying code of instructions for the better regulation of forest conservancy in the Kánga district, and I am to request that they may be communicated to the local authorities at an early date. The

original correspondence of your office is herewith returned.

Instructions for the better regulation of Forest Conservancy in the Kánga district.

THE Settlement Officer, in communication with the Conservator of Forests, will declare what tracts of forests are to be considered Government forests and liable to the imposition of Forest Conservancy Rules; and he will cause the same to be marked off by boundary marks and shown in the village maps and settlement records.

2. He will exclude from such demarcation small patches of forest in the midst of cultivated lands, and any straggling trees on village grazing grounds, and royal trees growing on private lands.

3. The Government forests above described will be divided into three classes—

First.—Forests the timber of which is exceptionally valuable from superiority of quality or convenience of situation.

Secondly.—Ordinary forests.

Thirdly.—Forests or jungles in which the timber is generally of very inferior quality.

4. Forests of the first class will ordinarily be under the management of the Forest Department, and in them the strictest conservancy applicable under

the Rules of 1855, or rules which may be hereafter framed under the Government Forests Act, 1865, will be enforced, and grazing altogether prohibited. It is desirable that such tracts be not only demarcated, but surrounded by a fence or enclosure sufficiently substantial to preclude the entrance of sheep or cattle.

5. In second class forests also the Forest Rules of 1855 will be firmly enforced, but a fair share of grazing land will be left open with reference to the existing requirements of persons declared by the Settlement Officer to have prescriptive grazing rights, and reasonable facilities will be allowed such persons for picking up dead wood for fuel in forest lands. The District Officer, under the orders of the Commissioner, will determine in each particular case what is to be considered a "fair share of grazing land," and will frame, in communication with the Forest Department, suitable rules for enabling the villagers to supply themselves with necessary fuel.

6. In third class forests no restrictions will be placed on grazing, but in other respects the ordinary Conservancy Rules will be enforced.

7. Agriculturists having a prescriptive right to cut forest timber for agricultural and domestic purposes, and having no timber available in the undemarcated portion of the village lands, will be permitted, on application to the lumbardár, to cut trees in demarcated forests within the village boundary, on payment of a fee of four annas per tree.

8. Agriculturists of other villages will, in like manner, be charged eight annas per tree, and non-agriculturists full rates.

9. Bunwuzers of the chowdree class will be appointed in each taluqah or half taluqah to supervise and control the lumbardárs in granting permission to cut wood and other matters connected with conservancy.

10. Out of the fees collected, the bunwuzer will be entitled to four annas in each rupee, and the lumbardár and rakha to one anna in the rupee respectively. The income of the former can also be supplemented by an allowance from the forest fund. Payments heretofore made to the village community and putwarees will cease.

11. In third class forests, and such portions of second class forests as are not specially reserved, villagers may be permitted to lop the side branches of trees for fodder, under such restrictions as the District Officer, in communication with the Forest Department, may consider desirable.

— — — — —

Proceedings of a Committee appointed by the Honourable the Lieutenant-Governor for considering the following question.

I.—What are the relative rights of the Government on the one hand, and the zemíndárs of the Kangra district on the other, in the forest lands of that district?

II.—What is considered the best of the various systems of forest conservancy recommended for this district?

Précis of all the correspondence available in the Secretariat and Financial Commissioner's offices on the subject of the Kangra Forests, drawn up by Mr. Lyall, Settlement Officer.

Letter No. 72, dated 27th January 1867, from Secretary to the Financial Commissioner, to Secretary to Government.

The Committee having considered the documents marginally noted, and the information derived from those members of the Committee possessing more or less local experience of Kangra, beg to record the following conclusions:—

I. The Committee are of opinion that the forest rules of 1854, sanctioned by the Government of India in letter No. 1789, dated 21st May 1855, give the Government full legal power to—

(1) declare what tracts of forest are to be considered Government forest;

(2) to exercise within those limits all the powers necessary for the proper conservancy of forests, as set forth in the forest rules, provided that reasonable facilities are accorded to certain parties having a prescriptive claim thereto for—

- (1) grazing their cattle,
- (2) picking up dead wood for fuel,
- (3) cutting timber for agricultural or domestic purposes.

NOTE 1.—The powers exercisable under the forest rules include the power of —

- (1) fencing in forests ;
- (2) prohibiting grazing or trespass of any kind ;
- (3) prohibiting the barking, lopping or felling of any tree or bush ;
- (4) exacting a fee for all kinds of timber.

NOTE 2. It appears to the committee to be the duty of the Settlement Officer to determine who have the prescriptive rights of grazing adverted to above.

NOTE 3. —It appears to the committee to rest with the civil officer of the district to determine, according to the circumstances of each case, what may be considered "reasonable facilities" for grazing, etc.

II.—The Committee are of opinion that, subject to the Government manorial rights above described, the proprietary body in the villages of the Kángra district (exclusive of those of the pergunnahs of Kulu, Lahoul, and Spiti) must be considered as possessing a proprietary interest in lands recorded as within the area of those villages ; but this interest appears to the Committee to amount practically to little more than a *reversionary right to the cultivation of lands not required by Government for forest purposes*, with the proviso noted in paragraph 2.

They are further of opinion that, as Government has thus a concurrent right with the zemíndárs in forest lands, no partition, sale or cultivation of forest land by zemíndárs is valid or admissible without the sanction of Government.

Having arrived at the above conclusions, the Committee proceeded to consider the various schemes set before them for securing a proper system of forest conservancy.

The schemes set before them were the following :—First, *the existing scheme*, which may be briefly described as follows :—

- (1) All forest trees (*i. e.*, trees growing wild, whether apart or in numbers, on unenclosed waste lands), and certain trees, such as the pine, on cultivated lands, are held to belong to Government.
- (2) Division of the forest into three parts ; maintenance of a preserve, *i. e.*, prohibition of grazing in one part ; such preserve to shift at intervals of three years.
- (3) Agriculturists to get timber for building purposes from nearest forest, whether in their village or not, at four annas a tree, on applying to the Tehseeldar ; shop-keepers to pay one rupee per tree ; timber speculators full value. All residents are free to collect dead wood for fuel, and on occasions of marriages and funerals, with permission of lumbardár, can fell crooked timber or cut brush-wood free of cost. Agriculturists also, with the same permission, can cut, free of cost, wood required for agricultural implements.
- (4) The bunwazeer or forest ranger for each pergunnah paid out of forest fund.
- (5) Four annas in the rupee out of price of trees sold to go to lumbardár, putwaree, rakha and zemíndár, to interest them in conservancy.

Secondly, a system whereby it was proposed to effect a complete separation between the interests of Government and zemíndárs by a system of exchange, the zemíndárs receiving certain tracts of forests in full proprietary right, and on the other hand resigning their proprietary lien and rights of grazing, etc., in other tracts.

Thirdly, a system proposed by Mr. Lyall, Settlement Officer, after he had prepared the précis above mentioned, which may be briefly described as follows :—

- (1) Real forest lands to be marked off by the Settlement Officer, in communication with the Conservator of Forests, in village maps and settlement papers.
- (2) Small patches of forests among cultivated lands, straggling trees on grazing grounds, and royal trees on private lands, to be given over to communities or individuals owning the lands.
- (3) Forest rules to be firmly enforced in the demarcated tracts provided always that a fair share of grazing land be left open with reference to the existing requirements of persons declared by the Settlement Officer to have grazing rights; and reasonable facilities be allowed for picking up dead wood in forest lands (grazing fees paid by Guddees or Goojurs to be declared an item of Government revenue, albeit paid by the latter during present settlement to village communities).
- (4) Where at demarcation of forests a sufficient amount of timber has been made over to villagers for agricultural or domestic purposes, the right to cut timber for such purposes in demarcated tracts to cease.
- (5) Where no outstanding timber is left for the villagers, fees at quarter rates to be charged to villagers cutting trees in demarcated forests within the village boundary.
- (6) Half rates to other villagers, and full rates to all non-agriculturists.
- (7) Present privilege allowed to lumbarđárs of giving leave to villagers and outsiders to cut trees for agricultural purposes or domestic uses to be restricted; "bunwazeers" of the chowdree class to be appointed, not as at present for pergunnahs, but for taluqahs or half taluqahs; all orders for cutting wood for agricultural or domestic purposes to be issued by them to the lumbarđárs and rakhas; bunwazeer to receive fees and credit to tehseel; out of which 4 annas in the rupee to be given to bunwazeer, 2 annas to lumbarđár and rakha; bunwazeer's income to be supplemented by pay from forest fund.
- (8) In third class forests the custom of imposing a "tirhaee" or prohibition of grazing in one-third of the forest, to be abandoned for the present as vexatious and unnecessary.
- (9) Lopping small side branches of trees for fodder in tracts not specially reserved to be permitted.

Of the three systems, the Committee prefer the 3rd; the first or existing system is open to the following objections :—

- (1) *Indefinite nature of the Government right and of forest limits.*—Occasionally leading on the one hand to (a) vexatious restriction of proprietors from felling or lopping trees on private lands, or rates by Government against will of owners of fields of such trees; (b) prohibition of grazing in waste lands not

really of the character of forest, and prohibitions of cultivation of such lands ; or, on the other hand, leading to (c) laxity of conservancy of true forests ; (d) difficulty of drawing a line between clearing for cultivation of real forest and cultivation of almost barren waste ; (e) practical difficulty of division of forests of a mouzah into three parts resulting in its never being done, and difficulty in shifting the preserve from the part on which first imposed.

- (2) *Necessity of an order from the tehseel to fell timber fit for building purposes.*—With regard to great distances from tehseel, frequent requirements of roofing timber in snowy ranges, this is a decided hardship.
- (3) *The license allowed to lumbaráars of authorising cutting free of cost of wood for agricultural implements or crooked or inferior wood for fuel in any part of the forest.*—The lumbaráars inheriting office are therefore often very old or very young, timid simpletons or bold knaves, the necessarily loose definition of their powers renders it difficult to prove that they have been intentionally exceeded.
- (4) A single bunwazeer cannot look after the forests of a whole pergunnah in a mountainous country. No one but a resident of the neighbourhood can watch the management of forests properly.
- (5) The 1 anna share out of the 4 annas fee which goes to the land tax-paying community amounts in the gross to a trifling sum, and is altogether imperceptible when divided ; it fails of the intended effect of interesting the recipients in conservancy, and is mistaken by new comers for a " malikana " ; no advantage is gained by giving the putwaree a share.

The second system would be excellent if it could be satisfactorily carried out in practice ; but it has been found by experience that a compromise of the kind indicated could not be effected without sacrificing an amount of forest land altogether disproportionate to the benefit obtained by the complete separation of zemíndárs' and Government interests in forest tracts.

But though generally approving of the third system above described, there is a difference of opinion among the members of the Committee in regard to the details. Mr. Egerton objects to the plan indicated in paragraph 7 of Mr. Lyall's proposed scheme of restricting the powers heretofore possessed by lumbaráars, and giving those powers to bunwazeers of the chowdree class appointed to taluqahs or half taluqahs, on the following grounds :—

1stly.—That the nature of the country renders it a hardship to have to travel for many miles to obtain the bunwazeer's permission to cut a tree, especially as the duties of that officer require him to be locomotive, and render the chance of finding him precarious, and the proposed rule is likely to be very unpopular.

2ndly.—That the bunwazeer is less able to decide on the individual necessity in each case than the lumbaráar.

3rdly.—That, as the lumbaráar on the spot has great facilities for carrying out conservancy, whilst if he be opposed to the system it would be impossible at any moderate cost to enforce it, it is therefore desirable to enlist his services by supporting his authority and making his position valuable and honourable.

To this it is replied by Mr. Lyall—

As to the 1st objection, that every or nearly every village containing forest will have an excluded area from which to cut trees without either bunwazeer or Tehseeldar's orders. When this

is not the case, the probability is that the bunwazeer lives almost as near as the lumbardár; a lumbardár often lives four miles from the houses of some of the villagers. No one will have to go to the tehseel, as is now the case.

2ndly.—The bunwazeer, being a local leading man, will be able to judge well enough, at least as well as the lumbardár now does, in the case of applicants not belonging to his own village.

3rdly.—It is proposed to leave the lumbardár in charge as lumbardár of the excluded forest; also to give him a share in the fees. Under the bunwazeer he will still look after the forest. It is, however, admitted that this objection is of some weight.

Mr. Egerton also objects to clause 8 of Mr. Lyall's scheme, which proposes to abandon the custom of enforcing conservancy in third class forests, on the following grounds:—

1stly.—That the system of conservancy once relaxed cannot be reimposed without causing discontent.

2ndly.—That it is desirable to maintain uniformity of system in all forests.

3rdly.—That it is impolitic to give grounds for the idea that deterioration of a forest would be rewarded by a withdrawal of conservancy;

4thly.—That the Guddees who would profit by the relaxation are the most pertinacious enemies of conservancy, and should receive no concession without an equivalent;

5thly.—That, without conservancy, tracts of country which are now wooded (though in consequence of the timber being poor or the locality inaccessible now recorded as 3rd class) would speedily become denuded and bare, which is for many reasons undesirable; and

6thly.—Because it is impossible to foresee that forests now ranked as 3rd class may not after a time by the opening of new roads or from other causes become of first-rate importance.

Generally, Mr. Egerton would advocate strict adherence to the spirit of the rules laid down in 1864, and in preference to withdrawing the share of fees then or since conceded to the proprietors (zemíndárs) would endeavour to induce them to devote that share to the better payment of the village rákha.

To this it is replied by Mr. Lyall—

That the first objection is certainly a weighty one; but Colonel Lake and others have heretofore urged relaxation, and, on the whole, Mr. Lyall agrees with them that it might be given.

That the 2nd and 3rd objections are true as far as they go.

As to the 4th objection, that the Guddee shepherds only cut branches to allow their flocks to pick off the leaves; of the leaves eatable, hardly any belong to trees of any value, the majority to trees and bushes otherwise quite useless. That there is an increasing demand for sheep, and it is very important to encourage their being bred, yet grazing grounds are overstocked in winter, when there is no grass, and sheep and goats have mainly to depend on leaves.

5thly.—It is not proposed to abandon conservancy, but only the prohibition against grazing. The forests have been grazed in for centuries without much injury. It is surprising to see the little effect of stopping grazing in real 3rd class forests, *i.e.*, jungles.

6thly.—The forests referred to in Mr. Lyall's scheme as 3rd class are those having no valuable trees in them in any quantity,—mere jungles in fact.

Lastly.—The share of fees were given to village officials and khewatdárs in 1859 by Colonel Lake, not in 1854; the object of giving them a share was clearly explained. Why should we endeavour to induce them to give more to the rákha? Why not order a redistribution if that is all that is wanted?

The majority of the Committee agree in Mr. Lyall's view of the case.

Dr. Stewart and Mr. Thornton are of opinion that a system of paying forest conservancy officers in whole or in part by a percentage upon fees levied on timber or trees *cut down* is a vicious one, and that some plan should be devised for giving the bunwazeers and lumbardárs an interest, not in the destruction, but in the preservation of timber.

To this it is replied by Mr. Lyall that this objection to percentages would be true if applied to the case of Assistant Conservators of Cedar Forests, etc.; but it is not intended to give bunwazeers any power to sell to timber traders, but only to neighbours who require wood for domestic purposes. This demand is a limited one, not to be raised artificially; not a tree will be bought beyond what is actually necessary, as the hill people are averse to paying for trees. Sales to speculators will be conducted by the Forest Officer or Tehseeldar, and the bunwazeer will not, or need not, get fees on such sales. In fact, they are not given at present in Kulu at least and perhaps not in Kángra.

Mr. Lyall and Mr. Egerton further contend that, by giving the lumbardárs and bunwazeers a share in the fees, you at least ensure that the fees are duly levied, and that thus the object in view, *i.e.*, the prevention of waste, is indirectly secured.

No. 1951, dated 7th April 1868.

From—The Secretary to Government, Punjab, Public Works Department,
To—The Conservator of Forests, Punjab.

THE Financial Commissioner has forwarded, for publication with the Proceedings of this Department, certain papers relating to Forest Conservancy in the Kángra district. It is presumed that the Forest establishments required for carrying out the measures sanctioned by His Honour the Lieutenant-Governor in connection with the management of these forests will be provided for in the statement recently* called for of further Forest establishment requirements.

*No 1523, dated 16th March 1868.

Précis.

BEFORE giving a précis of the former correspondence with regard to rights in forest lands and forest conservancy in Kángra, it seems desirable, by way of introduction, to show how the subject has now come under discussion.

2. When the late Lieutenant-Governor visited Kángra in 1864 certain complaints of

Secretary to Government's No. 1101 of 19th December 1864, to Financial Commissioner.

Financial Commissioner's No. 232, dated 11th April 1865, to Secretary to Government.

Secretary to Government's No. 88 of 15th February 1866.

Financial Commissioner's No. 726, dated 26th February 1866, to Commissioner, Trans-Sutlej States.

Commissioner, Trans-Sutlej States. The Financial Commissioner also directed that some of the suggestions should be sent for compliance and report to the Settlement Officer of Kángra. Accordingly the Commissioner sent me a copy of the correspondence for compliance,

Forest Conservancy Rules were made to him, and he ordered the Tehseeldar of Kángra to submit a report. That report, when received, was referred to the Financial Commissioner for an opinion; and after considering that opinion His Honour the Lieutenant-Governor made certain suggestions, which the Financial Commissioner again referred for compliance or report to the

3. About the same time, agreeably to a suggestion of the Financial Commissioner, the

Financial Commissioner's No. 3125, dated 27th July 1865, to Secretary to Government.

Secretary to Government Public Works Department's No. 4818, dated 23rd February 1866, to Financial Commissioner.

Financial Commissioner's No. 878, dated 7th March 1866, to Commissioner, Trans-Sutlej States.

trying to hit upon a plan whereby, without injury to forest conservancy, a clearer state of property, and a less apparently anomalous state of things than had prevailed, might be introduced. I therefore asked the Commissioner to allow me to defer action, as regarded Kangra Proper, upon the orders received until I could submit a report proposing a radical scheme of reform to be generally carried out in revision of settlement. Such a report I submitted in my No. 183, dated 24th August 1866, to Commissioner and Commissioner of Settlements. The scheme therein described if carried into effect would have put things on an entirely new basis, and would have obviated all necessity of taking action upon the orders of Government,

Financial Commissioner's No. 584, dated 22nd November 1866, to Secretary to Government, with 8 enclosures.

which I had asked the Commissioner to postpone. The Commissioner, Trans-Sutlej States, the Commissioner of Settlements, the Conservator of Forests, and the Financial Commissioner, all agreed that the scheme deserved a trial; and the Financial Commissioner reported the scheme to Government, and in anticipation of Government sanction, gave me authority to attempt to carry it into effect by negotiation with the zemindárs.

5. Acting on this authority, I began my negotiations in Taluqah Burgiraon. A difficulty, mainly connected with grazing rights or privileges, belonging to zemindárs and herdsmen and shepherds, arose, which made it very doubtful whether a general *bona fide* consent to a

Settlement Officer's No. 4, dated 14th January 1867, to Commissioner, Trans-Sutlej States.

fair bargain could be got from the zemindárs, on the terms of the scheme as sanctioned. Hence I wrote to the Commissioner asking for authority to modify the original sanctioned terms so as partially to maintain the rights of grazing, when such course seemed expedient, and when by so doing the zemindárs would surrender a much larger share of forest than the 1/3rd originally proposed. I also inquired whether Government would agree to give up the grazing tax on shepherds to zemindárs in whole or part, in case the zemindárs pressed a demand of the kind. The Commissioner recommended that authority should be given to me to act on the modified scheme where it might seem expedient.

Commissioner Trans-Sutlej States' No. 14, dated 21st January 1867, to Financial Commissioner.

The Financial Commissioner, after consulting the Conservator of Forests, submitted the

Financial Commissioner's No. 73, dated 7th February 1867, to Secretary to Government.

correspondence to Government, with an opinion amounting to this, that in 1st class forests the original scheme should be adhered to; in 2nd class forests the modified scheme might be approved.

6. Meanwhile I had extended negotiations to part of Taluqah, Palum, and here a new difficulty presented itself. The zemindárs did not object to the forest lands being reserved strictly as forest, but (with reference to former negotiations in this part of the country for surrender of lands for tea cultivation conducted by Lieutenant Paske and Mr. Egerton) they suspected that any lands of which they might surrender proprietary right to Government would sooner or later be given on cultivating leases to Europeans or other outsiders. They showed therefore a determination to resist all compromise, unless Government pledged itself to keep the forest land as forest only.

To meet this difficulty, I proposed a further modification of the original scheme to be

Settlement Officer's demi-official letter to Commissioner, Trans-Sutlej States, dated 28th January 1867.

adopted where necessary, and also suggested that a Committee might with advantage consider what extent of discretion might be allowed me.

The Commissioner in reply requested me to proceed to Lahore to meet him there and

Commissioner Trans-Sutlej States' memo, dated 16th February 1867.

Settlement Officer's memo, dated 17th February 1867.

consult on the subject. At Lahore, at the Financial Commissioner's suggestion, the Commissioner wrote a memo. giving his objections to my last proposal, and I in another memo. answered them.

Among other things in his memo. the Commissioner suggested that the principle of compromise or bargain with the zemindárs should be abandoned, and that the question of zemindárs' proprietary rights in forest lands should be re-opened by a suit in court, or that Government should disregard the former settlement records as erroneous, and take authoritatively certain parts of the forest, leaving zemindárs to object by suit if they chose. With reference to this new idea thrown into the question, I was directed by the Secretary to Government to prepare the annexed précis of former correspondence with respect to Kangra forests.

I was particularly to notice that part of former correspondence which is connected with former proposals to revise the settlement records in so far as they are held to confer a proprietary right in soil of forests on the zemíndárs of Kangra.

Précis of former Correspondence.

THE correspondence of 1849, consisting of orders by Board of Revenue on correspond-

Commissioner Trans-Sutlej States' No. 196, dated 5th September 1849, to Secretary, Board of Revenue.
Secretary to Board of Revenue No. 723, dated 18th September, to Commissioner.

ence between Mr. Cust, Deputy Commissioner of Hoshiarpur, and Mr. McLeod, Commissioner of Jullundur, regarding treatment of Juswan forests, shows that the inclusion of forests and

wastes in mouza boundaries instead of their separate demarcation was not a mere oversight at settlement time, but was the deliberate policy of the day. The fact that the waste and forest lands in the hills belonged to Government was recognized, but the idea of making a settlement strictly according to the *status quo*, by treating the old circuits as circuits only, and recognizing the zemíndárs' proprietorship in their individual fields only, does not seem to have occurred. No system of settlement but that of turning the old circuits into a kind of bhaichara mouza seems to have suggested itself; though in fact the circuit boundaries had no more connection with property than the taluquah boundaries. The reasons given in the Board of Revenue's letter for not demarcating separately the Kangra forests are, 1st, that, owing to their scattered nature, to demarcate them separately would either involve splitting up the zemíndárs' lands into several distinct mouzas or mehals, or that, to connect them, a large part of the forest would have to be included with zemíndárs' lands, and absolutely abandoned by Government; 2ndly, that the forests when demarcated would require a large establishment to look after them, whereas by including them in mouza boundaries and "partially assigning" them to zemíndárs, the latter with the old circuit office-bearers, now changed into lumbarárs, would be induced and compelled to look after them. The old circuit *rakhas* (i.e. forest watchers) would be maintained and paid by the village in consideration of its interest in the forests. The exact limits of the rights intended to be conferred on zemíndárs by this "partial allotment" are not so clear from the correspondence of 1849. It is stated that zemíndárs were to have rights of cutting grass, cutting green wood for agricultural purposes, and collecting dry wood for fuel. Some kind of property in the forest lands would also seem to have been intended to be conferred from the contrast drawn in case of forests demarcated as separate mehals in Hoshiarpur, which are said to be "entirely the property of Government." Again, it is said "the forests which have been marked off separately belonging entirely to Government can be disposed of to the best advantage without any injury to surrounding villages." It would appear that, at the time the proprietorship of forest lands, if thought about, was not considered of value. A demand for land by outsiders was not foreseen, and forest conservancy was thought secondary to extension of cultivation.

2. In 1851-52, however, while settlement was in progress, the idea of tea cultivation was taken up, and waste lands at Holta were set aside for the purpose.

In 1852-53 it appears that a demand had arisen for lands for tea plantations, and the

Commissioner Trans-Sutlej States' No. 1515, dated 5th October 1852, to Deputy Commissioner.

Mr. Bayley, Deputy Commissioner, replied in

Deputy Commissioner's No. 25, dated 7th February 1853, to Commissioner, Trans-Sutlej States.

grazing, recommended that such lands should be taken up, as lands are taken up for public purposes, and compensation given.

The Commissioner forwarded this letter to Chief Commissioner, saying that, as Chief

Commissioner Trans-Sutlej States' No. 225, dated 28th April 1858, to Chief Commissioner

Commissioner was already aware, no lands except Holta, had been absolutely reserved which could be appropriated as Government lands: that it was possible, but doubtful, that some of the lands now covered with forest, and which had on this account been reserved as Government property, might be hereafter available for tea cultivation; but all the lands fit for immediate occupation had been heretofore regarded and confirmed as private property pertaining to the villages within the area of which they lie. Hoped that it will not be necessary to take up lands as proposed by Deputy Commissioner. Rájputs should be incited to plant tea.

The Chief Commissioner reported the matter to the Government of India in reply to a

Secretary to Chief Commissioner's No. 278, dated 11th May 1853, to Secretary to Government of India.

reference from thence: saying that all the culturable land in Kángra had been marked off and mapped as the property of the village communities: an appropriation such as that proposed by the Deputy Commissioner would be very unpopular, as the people were very fond of their lands; the Rájputs had not enough already. Before appropriation all other measures should be tried. Suggested growing tea through the zemíndárs after the system in use for cultivation of opium, so as to start the cultivation.

The Government of India acknowledged receipt of Chief Commissioner's letter, and ordered the correspondence with a report of Secretary to Government of India's No. 2489, dated 27th May 1853, to Chief Commissioner. Doctor Jamieson's to be printed as a Punjab selection.

MEMO.—The Commissioner in his letter appears to have considered that the property in the soil of forests had been reserved to Government at settlement. The Chief Commissioner would appear to have thought that all culturable land, whether forest or barren, had been given over to the communities previous to settlement. Without doubt forest and waste were equally Government property.

3. About this time attention was drawn to the rapid destruction of hill forests which was going on owing to absence of sufficient regulations and superintendence. All the Commissioners of divisions, containing hill districts, submitted reports. Eventually in 1855 the Secretary to Chief Commissioner wrote a minute on the reports of the Commissioners in which he suggested that civil officers should be empowered to adopt one of two courses according to circumstances, *viz.*, either to mark off as forest preserves certain tracts or plots, or to prohibit generally felling of certain kinds of trees wherever growing: such demarcation or prohibition to be made, whether Government was proprietor of the soil or the zemíndárs, as in the latter case private rights must yield to public exigencies.

Secretary to Chief Commissioner's memorandum without No. or date.

The Chief Commissioner in a separate minute approved and ordered preparation of rules for submission to Government of India.

The Chief Commissioner, in submitting the rules for sanction of Government, remarked that this extent of interference was warranted by the manorial powers over hill forests pertaining to Indian Government, also by the exigencies of the public service. Rules would not be too strictly carried out. The wants of the hill people to fuel and wood for agricultural and domestic purposes should be met by the rules intended to define the legitimate powers of officers, not as conservancy rules in detail.

The Government of India, in sanctioning the rules, remarked that from a European point of view they would appear of an arbitrary character; but that, with regard to the unquestionable validity of Government manorial rights in hill forests, and further with regard to undoubted exigency of conservancy, the principle upon which the rules are founded cannot be objected to. The Chief Commissioner was also directed to call upon the Commissioners for sets of rules of detail applicable to the circumstances of their divisions.

Secretary to Government of India's No. 1789, dated 21st May 1855, to Chief Commissioner.

MEMO.—The rules submitted to Government of India and sanctioned by the Governor-General in Council are in the form of an Act or Regulation. Under paragraph 25 of the Indian Councils Act they have the force of law.

These rules do not pretend to do away with existing manorial or proprietary rights of individuals or communities, but they provide that such rights shall be no bar to the exercise of the powers conferred by the rules, provided that occupants or owners of land get what wood or fuel they really require for agricultural and domestic purposes.

The powers conferred by these rules are so sweeping that the officers of Government, by enforcing them, can make proprietorship in forest-lands merely nominal, so long as forest be maintained, *e.g.*, forests can be fenced in; grazing or trespass of any kind can be prohibited; barking, lopping or felling of any tree or bush can be made penal; Government can fix and take a price for all kinds of timber, &c.

It is important to notice that the absence of any real proprietary claim to forest-lands on the part of zemíndárs or communities is made the ground for sanctioning these rules.

Mr. Barnes, as Deputy Commissioner in 1848-49, gave the zamindars and other non-agricultural residents liberty to take what wood they required for their private wants, but no power to fell for sale or for clearing land for cultivation. A clause intended to convey this meaning was also entered in the settlement papers. In 1853-54, before sanction of general rules by the Governor-General, Mr. Bayley, Deputy Commissioner, with the sanction of the Chief Commissioner, put in force other rules for the better conservancy of the forests, which had been much injured by the too great licence allowed to the people by Mr. Barnes' regulations. Very few of these rules were innovations; they were based upon the ancient custom of the country; with certain alterations and additions made from time to time, they are still in force.

4. Again, in 1856, on its being seen that the plan of starting tea cultivation by inciting zemíndárs to plant, which had been proposed in 1853 by the Commissioner, Trans-Sutlej States, and the Chief Commissioner, was not succeeding, orders were issued to Major Lake, the Commissioner, urging him to press the zemíndárs on the subject.

The Commissioner gave his opinion that official pressure would not give any result.

Commissioner Trans-Sutlej States' No. 143, dated 8th October 1856, to Secretary to Chief Commissioner.

the proprietary rights of Government to even cultivated lands were before settlement universally recognized, and no claim would have even been advanced to the proprietorship of waste lands by individuals or communities. Remarked that Mr. Barnes, Settlement Report, shows that the ancient tenure of land in Kángra differs clearly from the tenures of the plains, and in fact amounts to a ryotwari tenure like that recognized in Madras. In the report it is also stated that extensive forests or wastes are usually considered the exclusive property of Government; considered that Government might even now, with justice and without much unpopularity, set aside excess waste lands for tea cultivation.

The Chief Commissioner in his reply met this proposal as follows: "With reference to

Chief Commissioner's No. 2235, dated 24th October 1856, to Commissioner.

your remarks on the advantages which would have accrued from setting aside large tracts in the Kángra hills for Government purposes, it appears to the Chief Commissioner that, however desirable this may have been, it is now impossible to resume the Government right which has been formally alienated, and which has been now held for several years; if, however, there be any such lands which the people are willing to give up, there is no objection to their appropriation with their consent."

Chief Commissioner's No. 798, dated 24th October 1856, to Secretary to Government of India.

Copies of Major Lake's report and the Chief Commissioner's reply were submitted to the Government of India for information.

5. Again, in 1858, in submitting a report which had been called for on the progress

Commissioner Trans-Sutlej States' No. 376, dated 23rd December 1858, to Financial Commissioner.

of tea cultivation, Major Lake, Commissioner, Trans-Sutlej States, attempted for the third time to re-open the question of the zamindars' proprietary right, urged that by custom Government was undoubted proprietor of all waste and forest lands. The error in the settlement papers should be corrected.

The Financial Commissioner forwarded the Commissioner's letter with a report on tea

Financial Commissioner's No. 264, dated 7th May 1859, to Secretary to Government, Punjab.

cultivation, and gave his opinion that the settlement record was clearly erroneous and might perhaps be corrected: mentions having verbally consulted Sir J. Lawrence, who had said, that if a handsome percentage by way of *malikana* was allowed to the proprietors according to the record, the allotment of waste to outsiders would, he thought, be justifiable. Urged that something must be done; suggested that District Officers should entertain applications, and allot waste lands, allowing proprietary fee only when claimed, and claim supported by the record.

Upon this it appears that the Lieutenant-Governor reported the matter to the Govern-

Secretary to Government Punjab's No. 406, dated 11th June 1859, to Secretary to Government of India.

ment of India giving opinion that the settlement record could not now be altered, and land should only be given with consent of zemíndárs.

Orders appear also to have been sent to the Commissioner, Trans-Sutlej States, directing

Secretary to Government's No. 2502, dated 1st October 1859, to Commissioner, Trans-Sutlej States (not in file).

Commissioner Trans-Sutlej States' No. 200, dated 21st December 1859, to Secretary to Government, Punjab.

him to entertain applications, for in reply to such orders the Commissioner pointed out, that it was of no use so to do if land could only be given with consent of the zemíndárs who were not likely to agree, considered it justifiable under the circumstances to forcibly appropriate lands as is done in case of lands required for public purposes. Before so doing, however, the effect of explaining to zemíndárs that Government either at next settlement or sooner will insist upon cultivation of waste lands might be tried. Perhaps when they comprehend this they may sell or lease to outsiders at easy rates.

The Lieutenant-Governor in reply approved of Major Lake's second proposal, and

Secretary to Government Punjab's No. 1688, to Commissioner, Trans-Sutlej States, dated 28th December 1859.

directed that Lieutenant Paske, Assistant Commissioner, should be specially deputed to Kángra to explain Government intentions to zemíndárs and induce them to sell or lease lands to Government or outsiders for tea cultivation. Copies of a printed notification were also sent to be given to applicants, these notifications declared that the settlement record cannot be altered, the proprietary right of all lands is vested in village communities; land can only be procured with their consent.

MEMO.—Accordingly Lieutenant Paske proceeded to Kángra, and by negotiation with the zemíndárs succeeded with much difficulty in inducing some village communities to transfer a small part of the waste and forest lands in their villages to Government or to European planters. The zemíndárs were paid a price for the lands surrendered.

MEMO.—I have often heard some of these zamindars say that they were taken by surprise at the time, that they had no idea that they were proprietors of the waste with power to consent or refuse, or they would not have agreed at all. The fact is, that in the district neither the settlement nor the orders of Government made much perceptible difference, the old kárdárs and hakims become lumbarárs, and very few, if any, of the zemindárs knew of the revolution which had taken place; up to the present date in nearly every matter the practice is guided by ancient custom.

6. Meanwhile Mr. Barnes, then Commissioner, Cis-Sutlej States, had his attention

Commissioner Cis-Sutlej States' No. 29, dated 10th February 1860, to Commissioner, Trans-Sutlej States.

aroused to the subject by the publication of above correspondence in the Gazette, and wrote to Mr. Melvill, Commissioner, Trans-Sutlej States, urging that though at settlement he did not specially reserve Government right, yet neither did he give disposal of waste to zemindárs: by custom and theory the waste belongs to Government; the people only claim right to graze and get trees for private wants: in the settlement records the Government claim to all forest and grazing dues was reserved: the practice of the district utterly opposed to any proprietary right of zemindárs in waste and forests, Lieutenant Paske should authoritatively demarcate all excess waste along the Chamba range.

MEMO.—Mr. Barnes confined what he said to the villages along the Chamba range on the grounds that it was not necessary to refer to others, as the waste required for tea planting existed along that range only, also on the grounds that he thought village boundaries had not been absolutely fixed along that range.

This letter was sent by Mr. Melvill to the Financial Commissioner, who in reply said

Financial Commissioner's No. 775, dated 29th February 1860, to Commissioner, Trans-Sutlej States.

that the Lieutenant-Governor desired that the Commissioner should make immediate investigation on the spot, and give opinion as to whether the construction formerly put on the settlement papers, or that put on them by Mr. Barnes, was correct.

Mr. Melvill submitted the desired report; he found that in village maps the whole area

Commissioner, Trans-Sutlej States' Nos. 512-48, dated 9th March 1860 to Financial Commissioner.

of waste up to summit of the range was included; that the "wájib-ul-arz" paper directly by the use of the word "shámilát" and indirectly by mention of rights of grazing and getting wood gratis, conferred proprietorship on the zemindárs; that in some villages also in the same papers a right of dividing culturable land had been recorded: in conclusion he gave his opinion that Government at settlement had only reserved to itself certain manorial rights, and that Sir J. Lawrence's former decision on the subject should not now be impugned.

MEMO.—Mr. Melvill threw some doubt upon the supposed absence of original right to proprietorship of waste and forest lands by zemindárs. The grounds which he cites, *viz.*, existence of boundary disputes, rights of common of grazing in can be shown at once to have nothing to do with proprietorship of communities.

The fact of a clause in settlement papers of some villages giving power to divide culturable lands also amounts to very little, when it is known that the words "culturable lands" in Kangra settlement papers always refer merely to terraced lands which had fallen out of cultivation, not to culturable waste.

Mr. Barnes replied to Mr. Melvill, and adhered to his view, that Government had the

Commissioner Cis-Sutlej States' No. 60 of 10th March 1860, to Commissioner, Trans-Sutlej States.

right to claim excess waste: remarked that the "wájib-ul-arz" was framed by the people themselves whose title deed it is now declared to be: the real meaning of the document is not what it is now interpreted to be, but is explained by custom of the district: by Mr. Melvill's showing even Government and zemindárs have a concurrent right, the latter cannot clear timber or break up waste without Government permission. Government should take land and compensate zemindárs in money for any rights they may possess.

The correspondence appears to have been sent on by Financial Commissioner to Gov-

ernment, Punjab, for the Lieutenant-Governor

replied that he entirely agreed in deeming it unadvisable to compel the zemindárs to sell the waste lands attached to their villages; having formally vested them with the proprietorship, the adoption of such a course would appear a breach of faith.

7. A year and-a-half later, the question of proprietorship of waste and forest lands

Secretary to Government, Punjab, No. 1912, dated 5th December 1861, to Deputy Commissioner.

again came into discussion in consequence of an order addressed direct to Deputy Commissioner of Kangra by the Lieutenant-Governor calling for a report as to the wishes of the tea-planters, and the ways in which Government could assist them. Mr. Egerton in his report submitting the tea-planters' memorial held that it had been already finally settled that the waste lands were leased for term of settlement to the zemindárs, but remarked that forest lands were distinct

from waste lands; Government having reserved no lien on the latter, but a very strong lien on the former, believed that the distinction had not been noticed in former correspondence: opined that Government might justly dispose of much forest land, say one-third in each mouzah.

The Commissioner, Major Lake, in forwarding the report with regard to Mr. Egerton's two new ideas, agreed with the first, *viz.*, that the rights of zemíndárs by settlement papers at the most only amounted to a lease for term of settlement, but disagreed as regarded the second, and considered that in point of law not much difference between the case of forest land and barren waste existed; both should be treated alike. Recommended that Deputy Commissioner should mark off surplus waste, and sell it in fee simple, giving the zemíndárs 15 or 20 per cent. of the price as compensation for grazing and other rights.

The correspondence was sent by the Lieutenant-Governor to the Financial Commissioner, with a minute by the Lieutenant-Governor (not in the file), and the Financial Commissioner was requested to give his opinion.

The Financial Commissioner considered it questionable whether the hold of the zemíndárs upon the waste and forest lands could be considered to amount to a lease only: did not see that much advantage would result from taking such a view: perhaps inexpedient to do so after former decisions affirming zemíndárs' proprietary right: the Government dues hitherto levied from waste lands, and the Government forest arrangements, may be considered merely methods for collecting the Government demand on those lands, not as exercise of proprietary right on the part of Government: Mr. Egerton's proposal to induce zemíndárs to give up larger proportion of forest lands in exchange for remission of Government dues on remainder should be tried.

MEMO.—With regard to the argument that the zemíndárs only hold a terminable lease of the waste lands, I may mention that up to the present day they look upon their position in that way in all the leases of waste lands which have been given by lumbarárs or communities. There is a clause, either expressed in the document or understood by the parties, to the effect that the lessee is, in fact, proprietor; that till settlement he will at a certain rate help to pay the jama: and that at expiry of settlement he will become a khewatdár. The idea of a tenant holding of the community has not yet been comprehended by the Kángra zemíndárs, such a status being utterly unknown in former times.

The Lieutenant-Governor, in finally recording orders with regard to the wishes of the tea-planters, declined to reopen the question of the proprietary right of village communities to waste lands in their village areas, on the grounds that Government had omitted to claim the waste at the proper time and under the legal forms, *viz.*, at settlement, and that to revive the claim now would shake the general faith in the validity of settlement records. Land could only be got with the zemíndárs' consent. Mr. Egerton to negotiate with them for surrender of forest lands on the terms he suggested.

MEMO.—In obedience to these orders, Mr. Egerton did obtain a considerable amount of waste and forest land by negotiation. In most cases he gave the community full ownership of the trees in an amount of forest proportionate to that of which they surrendered the ownership of the soil, and further abandoned on the part of Government the custom of prohibiting grazing in part of the forest. The zemíndárs also got a share of the price realized by the land when sold by auction.

8. This decision of 22nd April 1862 on the question of re-opening the Government claim to proprietorship of wastes is the last: it will be seen that the matter has six or seven times been decided by the Chief Commissioner or Lieutenant-Governor since settlement, and that such decisions have been three times forwarded for information to the Government of India.

9. A history of the system of forest conservancy now in force has been given above in paragraph 3. I may add here, however, that Mr. Bayley's rules were amended and added to by Major Lake, Commissioner, in 1859. Again, in 1862 the Lieutenant-Governor relaxed the rules in some respects: suggestions for some further alterations and relaxations were also made in February last by His Honour the Lieutenant-Governor, but they have not yet been carried into effect.

J. B. LYALL,

Settlement Officer.

The 2nd March 1867.

MEMORANDUM.

WHEN I proposed in my No. 183 of 24th August last to attempt, in revision of settlement papers, to separate as much as possible the interest of Government and zemíndárs in forest lands by a system of exchange, I had not seen a great part of the correspondence which I have now gone through. I proposed it as an experiment and as the best way out of an apparent dilemma. I knew that the existing forest conservancy rules had been introduced by an executive order after settlement, and I did not know that there was any law which would support the Government, if those rules were at some future time called in question. The Government position with regard to the hill forests now seems unattackable, for the rules defining the power of civil officers, with regard to hill forests under the Indian Councils Act have the force of law; and those rules give ample powers to introduce in Kángra a much stricter system of conservancy than now exists. In fact by enforcing them the proprietary rights of the communities are reduced to a name merely, so long as forests are maintained. I imagine that the justice of enforcing the rules will not be questioned by any one, seeing that the communities neither have any original proprietary right to the soil of the forests, nor have they since settlement been allowed to exercise it except subject to forest rules. There are many objections to the system of exchange by negotiation: to carry it out in all the forests would take a long time, as till the whole forest has been seen with one's own eyes no safe bargain can be made: settlement is nearly finished so that a great part of the work would have to be left to be done by a new set of officers, and the settlement papers also would remain incomplete.

The Government's position is rather weakened by having to entreat the zemíndárs to come to terms. The zemíndárs are in no hurry; there is a danger that some of them may hold out and try to beat me down; in that case very likely villages which had come to terms would attempt to recant, for the people hold together very strongly, and follow lead like sheep. Under the circumstances then (supposing that Government decides not to reopen the question of proprietorship of the soil) I would propose the following system, *viz.* :—

(1) Real forest lands to be marked off in village maps and settlement papers, and on the ground as far as possible; small patches of forest among cultivated lands, straggling trees on grazing grounds, and royal trees in private lands, to be given over altogether to communities or individuals. With regard to this demarcated forest, I would put the forest rules firmly in force, and reduce the proprietary rights of the communities to a mere reversionary interest on maintenance of forest being abandoned. On the other hand, all lands outside the demarcated forest would be freed from all Government interference.

(2) The demarcated forest would be recorded in settlement papers as "Bun Sircár" (and a clause would add that the right of cultivation subject to forest rules belongs to the zemíndárs or to persons to whom they may transfer it). Government having a concurrent right with zemíndárs in the forest lands, no partition or transfer by sale of them to be valid without Government sanction; for same reason breaking up of land in forest bounds for cultivation even where done without actual felling of trees to be penal unless Government sanction first obtained.

(3) Privilege of grazing and picking up dead wood in forest bounds subject to restriction under forest rules to belong as at present to those to whom it pertains by custom. As an ordinary rule, this would mean all residents (not only zemíndárs) of the mouzah and perhaps of one or more adjacent mouzahs also; or it might mean the residents of one or more hamlets only of the mouzah. In the settlement papers particulars would be given.

(4) Exclusive grazing privileges of Guddee shepherds, or Gújar herdsmen in forest lands where they exist would be recorded, and it would be added that the fees paid by Gújars are a Government item like those paid by Guddees, but having been included in account in assessment of village they will for term of settlement at least go to community to help to pay the jama.

(5) Where at demarcation of forests a sufficient amount of timber and bush may be excluded from forest bounds, there it would be recorded that the zemíndárs right to demand wood and fuel, for private wants (under former settlement papers and forest rules of 1855), had been compromised, and would not exist for the future; where little or no timber was left outside forest bounds, then the zemíndárs' right as at present to have their reasonable wants met subject to forest rules for time being would be recorded. I consider that they have no right to wood gratis or at any fixed price; probably, however, Government will always allow them to buy at low rates to prevent poaching if not for other reasons. I think zemíndárs of the mouzah, if the whole forest is demarcated, should get timber at $\frac{1}{4}$ rates; zemíndárs of other mouzahs not containing forests at $\frac{1}{2}$ rates; cultivators at same rates as proprietors; non-agriculturists whether of the mouzah or of other mouzahs at full rates, as they contribute nothing to Government in other ways. This scale of course to be liable to be changed at pleasure of Government.

6. At present lumbar্দárs are allowed to give leave to villagers and outsiders to cut trees for agricultural purposes or for fuel required at marriages and funerals: this is too great authority to give to the lumbar্দár who under our system, as often as not, is a child

or an inefficient person. The lumbar-dárs also cannot well afford to be unpopular with their constituents, who are the people who have to be restrained from waste. I beg, therefore, earnestly to recommend that the demarcated forests be taken out of the hands of the lumbar-dárs; instead of having one bun-wazeer for a pergunnah; men of the chowdri class should be appointed bun-wazeers (*i.e.*, forests rangers) for a taluqa or half a taluqa: these bun-wazeers should have all the powers now vested in the lumbar-dárs, and part of that now exercised by the Tehseeldars; *i.e.*, any one wanting wood for building or agricultural purposes or fuel for extraordinary occasions would get the order from the bun-wazeer addressed to the lumbar-dárs and rákha or forest watcher. Only traders in timber would be referred to the tehseel. The bun-wazeer would receive money, and keep up books of account and once a month pay in cost to the tehseel. The 4 annas in the rupee given to village officials and landholders to interest them in conservancy by order of January 1859 should be given to the bun-wazeer, lumbar-dár and rákha; 2 annas to the first, 1 anna each to second and third. I would even recommend that 4 annas in the rupee should be given to the bun-wazeer, and 2 annas besides to lumbar-dár and rákha. The bun-wazeer would also get some small monthly pay from the forest fund, as upon his vigilance and honesty everything would depend. The community should get nothing; it is quite sufficient to let them have wood at low rates. The 1 anna in the rupee they now get comes to such a trifle when divided as to be quite imperceptible, and the giving it to them leads to confusion: it is constantly taken by officials to be a proprietary fee. It is no good giving the putwaree anything as putwaree, but some of the hill putwarees are the leading zemíndárs of their circle, and might be made bun-wazeers. By this plan in the demarcated forest no cutting of any kind would be allowed without the order of a responsible Government forest official, *viz.*, the bun-wazeer; at the same time no man would have to go more than three or four miles to get an order to cut, and the official giving the order would be able to detect the applicant at once if he applied for a quantity unreasonably large according to his circumstances. The Tehseeldars and District Officers would be relieved of the trouble of giving orders on a number of applications of the merits of which they cannot judge. The lumbar-dár and rákha would be a check upon the bun-wazeer.

(7) In third class forests, as recommended by Colonel Lake in his No. 232, dated 11th April 1865, the custom of imposing a "Tríhái" or prohibition of grazing in one-third of the forest might be abandoned for the present. It hurts the shepherds who are hard put to find winter grazing, and inconveniences the zemíndárs, and does little or no good. The forest rules would always enable it to be re-imposed when necessary.

(8) In other forests in the 3rds not specially reserved, the custom of lopping small side branches of trees whose leaves are used for fodder, should be legalized. I do not know that it has ever been authoritatively forbidden; it certainly has never successfully been stopped, but it is understood by the foresters and people to be forbidden, and the shepherds and people are put to much inconvenience in consequence. The trees thus used are most of them of no value, some of a little value. A list of trees which can be lopped for fodder, and rules for the lopping should be made out and proclaimed.

NEW SERIES No. 28.

SELECTIONS FROM THE RECORDS

OF THE OFFICE OF THE

FINANCIAL COMMISSIONERS, PUNJAB.

No. 51.

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Forest Conservancy in the Kangra District.
[Supplementary to LXXX.]



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