

No. TIF-45/74

20.9.1974

NOTIFICATION

PROCEDURES OF FOREST SETTLEMENT IN BHUTAN

The Forest of Bhutan, though already defined as Reserved Forests under the Bhutan Forest Act, 1969 have not been surveyed and demarcated so far. A survey and Demarcation Division has been created for this work. During the course of survey and demarcation the rights of individuals or communities have to be ascertained by way of claims over land, forest produce, water courses etc.. These claims have to be settled simultaneously while demarcation work progresses. The procedure to be followed for such settlement and demarcation will be as follows :

1. The Divisional Forest Officer, Survey and Demarcation Division will issue a notification to Dzongdahas, Ramjams, Divisional Forest Officers concerned and also in "Kuensel" specifying boundaries of forest areas to be demarcated as reserved forests. The Dzongdahas and Ramjams concerned shall give such notifications wide publicity among the public and make available all records regarding proprietary rights, rights of forest produce, water courses, pastures etc., to the Divisional Forest Officer, Survey and Demarcation Division.
2. For the date of issue of notification under Para (1) above no new rights shall be acquired in or over the land comprised in such notification.

3. The Divisional Forest Officer, Survey and Demarcation shall enquire into the rights and claims of individual or community and shall settle these claims on their legal merits in consultation with Dzongdahs or Ramja concerned. Only such claims which he finds to exist at the time of settlement will be considered for that purpose.
4. Different categories of claims  
The Claims may relate to :
  - a. Practice of shifting cultivation.
  - b. Right in or over land.
  - c. Right of way, water course or use of water, use of forest produce.
  - d. Right of pasture.
  - A. The practice of shifting cultivation, as far as possible be stopped or at least drastically restricted and even if allowed shall be deemed to be a privilege subject to control, restriction and abolition by His Majesty's Government in the Forest Department.
  - B. Treatment of claims relating to a right in or over any land other than mentioned in 4(C) & (D)  
In case of such a claim the Divisional Forest Officer, Survey and Demarcation shall pass an order admitting or rejecting the same in whole or in part. If such claim is admitted in whole or in part, the Divisional Forest Officer, Survey and Demarcation shall either (i) exclude such land from the limits of the proposed reserved forest areas; or (ii) come to an agreement with the owner thereof for the surrender of his rights; or (iii) proceed to acquire such land according to the existing procedure.
  - C. Treatment of claims relating to a right of way right of water course, use of water or to Forest Produce.  
  
In the case of claim relating to rights of such nature the Divisional Forest Officer, Survey and Demarcation shall pass an order admitting or rejecting the same in whole or in part. While doing so, the Divisional Forest Officer, Survey and Demarcation Division may come to an agreement with the owner thereof for surrender of his rights or may proceed to acquire such rights according to the existing rules.
  - D. Right to Pasture  
The present system of exclusive rights of individuals over specific forests and pastures shall be acquired. From the date of acquisition, the village or community as a whole shall be permitted to graze their cattle on such pastures on payment of such Grazing Tax as may be fixed by the forest department from time to time. The Number of cattle that may be allowed to graze in a particular area shall be determined by the Forest Department. Goat grazing shall be absolutely banned except in Southern Bhutan comprising, Samchi, Sibsoo, Chengmari, Dorokha, Phuntsholing, Kalikhola, Dagana, Sarbhang, Lomidara, Lapsibotey, Gaylegphug, Decheling, Samdrup Jongkhar, Deothang and Diapan, since goats have proved to be most inimical factor towards regeneration of forests.
5. Demarcation and Classification of Forests  
Forest shall be treated as settled when the Divisional Forest Officer, Survey and Demarcation Division has completed the formalities under Section (1), 3 and (4) and has recorded the claims, if any, with regard to forest produce indicating quantity of timber, firewood, grazing (indicating number of cattle heads), right of way, water course etc. and finally approved by the Government.
6. Notwithstanding the above rules, Royal Command issued from time to time shall supersede all or any provision laid down herewith.
7. The above notification has the approval of His Majesty the King.