

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1327

Dated 21st June 1895

INDEXED.

[Despatch Abstract.]

FOREST OFFENCES.

Recording, Proceedings, Revenue Department, on Board's Proceedings submitting, with reference to the penultimate sentence of paragraph 13 of G.O. dated 22nd January 1895, No. 31, Revenue, certain papers relating to the increase of ---- in South Canara in 1893-94.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

BOARD OF REVENUE (LAND REVENUE), 25TH APRIL 1895, FOREST No. 241.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

READ—again the following Proceedings of the Board of Revenue (Land Revenue), dated 6th December 1894, Forest No. 1601, Mis. :—

Read—paragraph 25 of the South Canara Forest Administration Report for 1892-93.

Resolution—dated 6th December 1894, Forest No. 1601, Mis.

The Board desires to have the opinion of the Collector and District Magistrate as to whether the great increase in the number of offences within the last year or two has been due to well-directed zeal on the part of the Forest Subordinates, which the District officer attributes to his successful appeals to their sense of avarice. It should be specially stated how many of the cases have consisted of simple trespass mentioned in paragraph 26. The circumstances under which it has been considered advisable to treat simple trespass penally should be reported, and the Board would also be glad to have the views of the Collector and his Divisional officers with reference to the District Forest-officer's statement that "not even the lowest Holeya will dream of compounding if he thinks (or if it is thought for him) that he has any chance of a legal quibble on his side.

(True Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Collector of South Canara
(through the Conservator, Southern Circle).

READ—again the following Proceedings of the Board of Revenue (Land Revenue), dated 25th January 1895, Forest No. 96, Mis. :—

Read—the following letter from G. W. DANCE, Esq., Acting Collector of South Canara, to the Secretary to the Commissioners of Land Revenue (through the Conservator of Forests, Southern Circle), dated Mangalore, 31st December 1894, No. 2467-For. :—

In reply to Board's Proceedings, dated 6th December 1894, Forest No. 1601, Mis., I have the honour to state that the great increase in the number of forest offences during the last two years is attributable chiefly to the energy of Mr. Foulkes himself and to the recent increase of establishment.

2. I think it is politic to reward outsiders, but rewards are now given only in exceptional cases to forest subordinates in this district. I have pointed out to the District Forest-officer that they should not expect to be rewarded for doing their duty, but to be punished if they do not do it.

3. I have endeavoured to reduce the number of forest offences by directing that technical offences should not be charged the first time. I submit a copy of my circular to Sub-Magistrates on the subject.

4. In 1893-94 the number of simple trespasses shown as offences was 157. Such offenders will, in accordance with my circular, only be "admonished" in future, unless they repeat the offence.

5. Mr. Foulkes, when he spoke of the legal knowledge of the ryots of this district, spoke without experience of Tanjore and parts of Coimbatore. But I agree with him in thinking that, considering their opportunities, they are pretty well up in the law.

ENCLOSURE—Copy of Circular.

Endorsement by J. W. CHERRY, Esq., Conservator of Forests, Southern Circle,
dated Coimbatore, 12th January 1895, No. 66.

Forwarded.

Resolution—dated 25th January 1895, Forest No. 96, Mis.

The Collector is requested to report the number of prosecutions which have been instituted since the Circular of November 1894 came into force.

2. The Collector has not answered the Board's enquiry as to the circumstances under which it has been considered advisable to treat simple trespass penally. He will now do so, and the Conservator is requested, in forwarding the reply, to state whether he considers that prosecutions or even admonitions are called for in such cases.

(True Copy and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Collector of South Canara (through the Conservator of
Forests, Southern Circle).

READ—also the following letter from W. H. WELSH, Esq., Collector of South Canara,
to the Secretary to the Commissioners of Land Revenue (through the Con-
servator of Forests, Southern Circle), dated Mangalore, 6th March 1895,
No. 131-For. :—

In reply to Board's Proceedings, dated 25th January 1895, Forest No. 96, Mis.,
I have the honour to state that 204 prosecutions have been instituted since the
circular in question came into force :—

	By whom instituted.			Total.
	Range officer.	Tahsildar.	Deputy Tahsildar.	
I Range Coondapoor	100	12	..	112
II " Udipi	9	4	1	14
III " Mangalore	35	4	..	40
IV " Uppinangadi	29	..	..	29
V " Kasaragod	7	1	1	9
Total	181	21	2	204

Besides these about 150 petty offences were also detected and the offenders let off with a warning.

2. With reference to paragraph 2, I have the honour to state that the forest establishment being most inadequate, it was thought impossible to prevent forest offences if habitual offenders and others were not prosecuted but merely admonished when found trespassing.

3. I have discussed the matter with the Conservator. For dealing with simple trespass in future I am arranging that the admonition should take the form of a direct order to leave the forest and that no report of such cases be ordinarily made to the Magistracy or recorded in the offence register. If the forest subordinate can write

he is to mention the fact in his diary. It is considered that by dealing rigorously with the more serious class of forest offences, the working of the penal clauses of the Act will be sufficient to enforce authority and prevent mischievous acts with the least irritation.

Endorsement by E. D. M. HOOPER, Esq., Acting Conservator of Forests,
Southern Circle, dated Coimbatore, 26th March 1895, No. 431.

Forwarded. The matter has been fully discussed by Mr. Welsh and myself
and I have referred to it at length in my inspection note on South Canara.

EXTRACT.

(Paragraphs 50 and 51 of the Conservator's recent Inspection note).

The existence of enclosures is not a source of weakness but of strength. The population interested in them is our future labour supply and the District Forest-officer will not treat the acts of these people as offences, unless deliberately mischievous or dishonest on a large scale. It is found that these people eventually come to regard their position in the reserves as an exceptional advantage.

(Signed) W. H. WELSH,
Collector.

This is a puzzling question.

(Signed) W. H. WELSH,
Collector.

With reference to the remarks of the Board and Government on the annual report for 1893-94, I have especially enquired into this matter of forest offence in South Canara, and am convinced that, unless the forest estate of Government is to relapse, forest offences reported will continue to be much more numerous than in the past for many reasons, but notably from the unique way that the population is spread over the forests, and also because year by year the system of conservancy is becoming intensive. It must also be remembered that the vast majority of these cases are of a petty description which have been treated with all the leniency compatible with the main object in view. Apparently the object in view is to protect these narrow strips of forest, but it will perhaps be as well to reconsider the policy of doing so. The matter of trespass was also under discussion, and for some months past it has been treated by admonishing the culprits except in specially aggravated cases.

This is likely to reduce the number of reported offences, but a greater reduction would undoubtedly follow if Magistrates took the Forest Act more seriously and in important cases passed exemplary sentences.

51. On the whole I am of opinion that so long as the District Forest-officer works with the full knowledge and approval of the Collector and District Magistrate, it need not be feared that the people are being harshly treated, because the reported offences in the district are so numerous; for, after all, the population of the district is large, the forests are extensive and its previous administrators had not such an organized policy to enforce.

RESOLUTION—dated 25th April 1895, Forest No. 241.

The papers read above, as well as an extract of the Conservator's recent inspection note bearing on the subject, will be submitted for the information of Government, with reference to the penultimate sentence of paragraph 13 of Government Order, dated 22nd January 1895, No. 31, Revenue.

2. The Board considers that cases of simple trespass should certainly not be prosecuted save under exceptional circumstances, and it will often not be necessary even to order persons found in reserved forests to quit them. Visitors to the Nilgiris, for instance, would be seriously inconvenienced if they were never allowed to enter a reserve, and there is no reason why the ordinary inhabitants of a district should be differently treated. As remarked by the Collector and the Conservator what is wanted is exemplary sentences where prosecutions have been instituted in serious cases.

(True Copies and Extract.)

(Signed) R. C. C. CARR,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with copy of circular to be returned.
,, the Collector of South Canara.
,, the Conservator of Forests, Southern Circule.
,, all other Collectors and Conservators.

REVENUE DEPARTMENT.

1895.

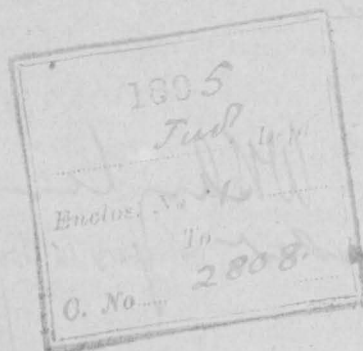
Board of Revenue

(Land Revenue),

MADRAS.

Printed May th.

Proceedings, dated 25th April 1895,
Forest No. 241.



Submitting to Government, with reference to the penultimate sentence of paragraph 13 of Government Order, dated 22nd January 1895, No. 31, Revenue, certain papers relating to the increase of forest offences in South Canara in 1893-94.

F-1,000-23-12-94.

REVENUE DEPARTMENT.

CURRENT NO. 2808.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

* Copy attached Read—Proceedings of the Board of Revenue, (Land Revenue)
dated 25th April 1895, No. 241 Forest.

Order thereon, 31st May 1895, No. 2214.

Recorded with an expression
of concurrence in the views expressed by
the Board of Revenue.

(True Extract.)

W. S. S. S.
M. Under Secretary to Government.

To the Board of Revenue. Land Revenue.

Copy to the Govt. Secy. ✓

W. S. S. S.

Judicial Deptt.
CURRENT NO. 2808.

2 No 148: 6 Feb 95

Gobt. of 1895 Madras.
REVENUE.

Order
min d/ 21st June 1895 No 1327

To

THE COMMISSIONER OF
Ind - Dept -

Recorded.

15/6/95.

Dated

Recd.

CHIEF SECRETARY
10 JUN. 1895
GOVERNMENT OF MADRAS

Mis. G.O., 21 May 1895, No. 2214 -

SUBJECT.

Recording B.P.,
sely.. to Govt. with reference
to the penultimate sentence
of paragraph 13 of Govt.
order dated 22nd Jan'y 1895,
No 21 - Revenue, certain papers
relating to the increase of
forest officers in the Canara
in 1893-94 -

NOTE. As the B.P. is comd. & all Collectors, it is
considered unnecessary to draw the attention of all to
specially in the Judicial Dept?

13.6.95 I am a little doubtful about this.
The B.P. from the Colls. is true but
will they get the approval
of Govt. thereon?

The Board will probably com-
municate the Rev. G.O., but if it does
not, the Board's instructions must be
obeyed unless cancelled by Govt. If any
Coll. has doubts, he cannot disobey without
referring the matter to Govt.
May the 20th 1895, order
17.6.95

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

N.B.

A = Copy in full.
B = Not to be copied.
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