

Legislative (1895) Department.

ORDINARY MS.

G.O., No. 42.

Dated 22nd May 1895

INDEXED.

[Despatch Abstract.]

LEGISLATIVE COUNCIL QUESTIONS.

Communicating to the Honourable N. Subba Row Pantulu,
Proceedings of Government, Revenue Department, agreeing with the
Board of Revenue in considering that the complaints received from
certain ryots of Goomsur and Surada taluks regarding overreservation of
forests and strict enforcement of forest rules are quite unfounded.

BACK PAPERS.

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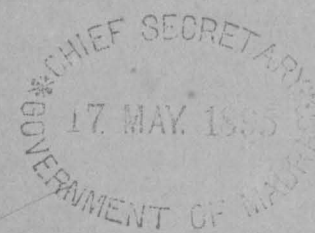
Legislative Dept.

Govt. of {1895} Madras.
REVENUE.

Issued

Recd.

Recd 18.5.95



Encl.

G.O., 23rd April 1895, No. 223.

APRIL.

Agreeing with the Board of Revenue in considering that the complaints received from certain ryots of Goomsur and Surada taluks regarding over-reservation of forests and strict enforcement of Forest rules are quite unfounded.

Order 23 May 1895, No. 42.
Mis.

Communicated to the
Honorable N. Subba Rao Pantulu.
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To,
The Honble N. Subba Rao Pantulu
(Honble)
IN

With order

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., dated 7th November 1894, Mis. No. 4299, Revenue.

ABSTRACT.—Forwarding two petitions from Ganjám complaining against forest reservation, to the Collector of Ganjám for report through the Conservator and the Board of Revenue.

READ—also the following Proceedings of the Board of Revenue (Land Revenue), dated 14th March 1895, Forest No. 330, Mis. :—

Read—the following letter from C. J. WEIR, Esq., Acting Collector of Ganjám, to the Secretary to the Commissioners of Land Revenue, dated 19th January 1895, Tour C. No. 14-Ver. :—

As directed in G.O., dated 7th November 1894, No. 4299, Revenue, I have the honour to submit my report on the two petitions herewith enclosed from the ryots of Goomsur, which were presented to His Excellency the Governor on the occasion of his recent visit to this district.

2. In paragraphs 5–8 of the printed petition, the petitioners complain of the hardships they suffer at the hands of the Forest Department. It is, I think, unnecessary to discuss the statements in paragraphs 5 and 6. The Forest Act and the rules thereunder were brought into operation throughout the Presidency after due deliberation, and there were no good reasons for treating the ordinary ryots of Goomsur in any exceptional manner.

As regards paragraph 7, first paragraph, it is true that prosecutions under the Forest Act are fairly numerous in Goomsur, but this is only to be expected in a taluk where there are so many forests, and where the ryots as a body endeavour to evade provisions of the Act and rules framed thereunder.

No cases have come under my notice in which accused persons have been convicted on insufficient evidence and the sentences passed have certainly not erred on the score of severity.

3. In paragraph 7 (a–m), the memorialists formulate their requests and they amount simply to a demand that they should be supplied free with all forest produce. The petition, it must be remembered, emanates from the ordinary ryots of Goomsur who are certainly quite as well off as their fellows elsewhere, and there is no reason why they should not pay for the produce of our reserves.

The revised rules under section 26 of the Forest Act, published in *Fort St. George Gazette* of 21st August 1894, grant the Goomsur ryots as well as all others all the privileges they can reasonably expect consistent with the continuance of forest conservancy.

For the Khonds and poorer Uriyas living in the wilder villages, special concessions have, on my recommendation, been sanctioned by the Board of Revenue and Government—*vide* G.O., dated 12th July 1894, No. 2703, embodied in Board's Proceedings, dated 15th August 1894, Forest No. 1060, Mis., and Board's Proceedings, dated 8th August 1894, Forest No. 1025, Mis.

4. Some of the requests require more particular notice. As to paragraph 7 (f) it is to be noted that the Khonds are allowed stunted sâl fit for ploughs at the rate of 2 annas each.

The complaints in paragraphs k and l are frivolous; quarrying in the extensive unreserved lands for *bonâ fide* domestic purposes is absolutely unrestricted.

As to 7 (m), for head-loads one day is allowed and for cart-loads two to three days are allowed. The District Forest-officer considers this sufficient; he will be instructed to extend the time if good cause is shown.

5. As regards the statement in paragraph 8, the District Forest-officer writes :—

"This statement is incorrect. The unoccupied area of Goomsur is 880,537 acres. 325,446 acres have been proposed as reserved forests, leaving 555,091 acres unreserved. Of this unreserved area if we take 100,000 acres as waste land with no jungle and another 100,000 acres as illicit cultivation, we still have over 350,000 acres of unreserved forest. I do not think this figure overestimated; in fact the area of unreserve in Goomsur is very large and I have still proposals for further reservation to send in."

I need only add that I believe the estimate of the extent of unauthorized cultivation excessive.

As the Board are aware, the District Forest-officer and Forest Settlement-officer have orders, in case they consider in any portion of the taluk an excessive extent has been proposed for reservation, to see that this is remedied.

6. As regards the second petition from K. Appayya and others of the Kullada Mitta, their request to admit their goats to forests of all descriptions is of course an impossible one, but on the subject of grazing it may be remarked that the present rules are; free in all unreserved forests; in the reserve As. 4 for buffaloes and As. 2 for cows, bullocks; goats and sheep are excluded from all reserved forests.

In Goomsur, out of 35 blocks, area 328,716 acres, 16 blocks,* area 90,513 acres, are closed to grazing.

* To be quite accurate seven whole blocks and portions of nine blocks. We have therefore nineteen blocks of 238,203 acres reserved forests open to grazing on payment and I have already shown that there is a very large area of unreserve on which free grazing is allowed.

7. Turning now to paragraph 9 of the printed petition, the facts correctly stated are as follows :—

"Since the construction of the Russellkonda reservoir, the Boringa nalla has been connected therewith and reservoir's water can be and has been let down it to the villages in question. The assessment on the irrigated lands has been therefore brought under a first-class source of irrigation and the taram assessment has, consequently, in accordance with the orders of the Board and Government, been raised."

In the pattas issued at the time of settlement of the Goomsur taluk, a notice was entered that this would be done and the ryots have no cause for complaint.

The same remarks apply to paragraph 10, but the statement that an additional Rs. 2 an acre has been levied is incorrect; the land having come under first-class group of irrigation, the assessment has been raised to Rs. 5-8-0 per acre.

8. In paragraph 11, the petitioners complain of the heavy rates of penal assessment levied for poramboke cultivation. The petitioners, if dissatisfied, had the right of appeal; in so far as they have done so, I have found that the heavy rates imposed were called for in consequence either of the obstinacy of the encroachers or the grave public inconvenience caused by the encroachment.

I enclose, for the information of the Board, copy of letter No. R.C. 199-Rev. of 1894, dated 21st December 1894, from the General Charge Deputy Collector, in which he deals with the statements made in paragraphs 9-11 in detail.

ENCLOSURE.

From M.R.Ry. B. NARAYANAMOORTY PANTULU Garu, General Deputy Collector, Goomsur, to the Collector of Ganjam, dated Russellkonda, 21st December 1894, R.C. No. 199-Rev. of 1894.

With reference to your endorsement, R.C. No. 1792-Forest of 1894, dated 16th November last, on the enclosed G.O., No. 4299, Mis., dated 7th instant, I have the honour to report as follows.

2. Paragraphs 9 and 10 of the printed petition received with the Government Order under reference deal with the question of water-tax under the Rushikulya project and they seem to have been evidently written by one who has not understood the subject and are therefore misleading to a great extent. A lot of villages are named in these paragraphs, but almost all of them, with the exception of three, are Government villages. There is no water-tax separately so charged as in the delta districts of Godavari and Kistna on wet lands in the Government villages of this district. The assessment itself varies according to the rate of the group under which the irrigation source which irrigates them is classed. The Boranga nalla referred to in paragraph 9 of the petition was classed in the III Group during settlement. The rate per acre for the highest class of land under it was accordingly Rs. 3-8-0. But after the completion of the reservoir, the old Boranga nalla, which is now absorbed in the reservoir, is no longer recognized as an irrigation source. The whole project is classed under I Group, and the lands irrigated under it are subjected to the rate of assessment prescribed for the first group. Accordingly, an acre of land whose irrigation source was classed as III Group, third class or taram of soil, and which was assessed at Rs. 3-8-0 has become an acre of land, whose irrigation source is classed I Group, first class or taram of soil, and is assessed at Rs. 5-8-0 in pursuance of Board's Proceedings, No. 5926, Mis., dated 16th October 1893, communicated with your foot-note C. No. 1783-Ver. of 1893, dated 4th December last, and in accordance with the instructions therein contained. The enhanced rate is due to the improvement of irrigation source. It may, however, be questioned if this kind of procedure, viz., to revise the rates of assessment before the expiry of the last settlement duration is consistent with equity and principles of just administration. But this was anticipated and grappled with during the last settlement. A general notification reserving this right, viz., to revise rates, when the project water was available, was duly promulgated. There is therefore nothing unjust in this revision of rates.

3. The case mentioned in paragraph 10 of the petition is identical with that mentioned in paragraph 9 regarding which I have discussed in paragraph 2 *supra*. The Loharkhandi, the Mahanadi and the Budanadi are the old irrigation sources and they are now supplemented by the Mahanadi canal, which is a part of the project. The right of Government to revise rates of assessment in the cases of lands irrigable under it is also unquestionable as above explained. The petitioners make it appear that they were taxed twice for water taken, but it is only a misrepresentation. As the source is permanently improved they had to pay a higher rate and that is all.

4. As regards the inam villages—Pattulisayi, Bolladi and Chottaboro—their case is quite different. The first two took water and they were therefore made to pay for it. They have, however, subsequently set up a false plea and have denied their liability. They appealed to you and the reasons for charging were fully explained in the Tahsildar's arzi No. 1988, dated 24th July 1894, submitted with this office endorsement, No. 1705, dated 31st August 1894.

5. The case of Chottaboro is different from the above. The inamdar Vasudeva Pattajoshi Mahapatro of Mandara says that he was entitled to the water of the Loharkhandi free of charge. But he did not advance a claim for it when Mr. Higgins published a notification inviting the same, nor afterwards, to my knowledge. Even if he had put in the same, I doubt if he could have made out a proper case for him. Under such circumstances, the charge made on his village is perfectly justifiable—*vide* Tahsildar's reports No. 2103, dated 25th July 1894 and No. 2634, dated 1st October 1894, submitted in original with my letter, No. 1551, dated 9th October last.

6. As regards sivayajama referred to in paragraph 11 of the petition, the petitioners make much of the heavy rates which I had to impose during the last jamabandi in the way of prohibitory assessment—

- (a) In one case only 200 rates were imposed, the whole amount being Rs. 87-8-0.
- (b) In one case only 100 rates were imposed, the whole amount being Rs. 6-4-0.
- (c) In one case only 80 rates were imposed, the whole amount being Rs. 5.
- (d) In seven cases 60 to 70 rates were imposed, the whole amount being Rs. 32 and not exceeding Rs. 8 in any one case.
- (e) In six cases 50 to 60 rates were imposed, not exceeding Rs. 21 in any one case, the whole amount being Rs. 37.
- (f) In 55 cases 40 to 50 rates were imposed, not exceeding Rs. 25 in any one case, the whole amount being Rs. 273.

7. The first case of 200 rates is appealed against and you have confirmed my order—*vide* your Proceedings, C.P. Disposal No. 80-Ver. of 1894, dated 27th August last. The ryot concerned, Basudeva Pattajoshi Mahapatro of Mandara, has presented a second appeal to the Board of Revenue and the Tahsildar's report No. 3402, dated 11th instant, explaining its circumstances, was submitted with this office endorsement, C. No. 166-Rev. of 1894, dated 12th idem.

8. The second case in which 100 rates were imposed was also appealed against and my explanation regarding the same is to be found in this office letter, R.C.P. No. 209-Rev. of 1894, dated 12th instant.

9. The third case is an instance of the obstinate spirit of an Oriya ryot. The individual concerned had encroached upon a common foot-path to the exclusion and annoyance of the whole village. He was charged 32 rates in fasli 1302, and warned to recede from it. He having persisted he was charged 80 rates at the last jamabandi. He did not, however, appeal against this order.

10. As regards the other cases, I have to state that the grievance is not a general one. It is confined to a few villages, and to some obstinate ryots, encroaching upon channel beds, public paths, burial grounds and other porambokes, whose occupation was found to be most objectionable. Almost all of these are old cases, and rates imposed on previous occasions not having produced desired effect, doubled rates were imposed. Among these obstinate ryots, Basudeva Pattajoshi Mahapatro is conspicuous. I could not decipher many of the signatures to the petition, but supposing they are all genuine, I do not think any other person wanted this particular paragraph 11 to be put in there except Basudeva Pattajoshi Mahapatro, who made himself the mouthpiece of the people and got the petition drafted.

11. The petition goes further to say that the collection of these heavy rates has been attended with great oppression on the part of underlings of the Revenue department. I am glad to state here that it is in this year alone that there was far less necessity for resorting to coercion, as will be seen from the accompanying comparative statement showing the service of process for collection of arrears on the whole. As regards the collection of prohibitory rates of assessment, I may say that there was hardly any necessity to proceed even against personal property although there is no arrear outstanding against Goomsur, a fact which, I believe, has already attracted your notice. It is therefore for the Government to see if there was any oppression in the matter of collections as alleged by the petitioners.

Endorsement by the Conservator of Forests, Northern Circle, dated 21st January 1894, No. 2028.

In forwarding has the honour to remark that as the Collector has answered the questions so fully it seems unnecessary to go into details further.

It must be remembered that Goomsur is our main forest tract in the Ganjam district, and that conservancy was never really attempted till after the passing of the Forest Act. It is inevitable that restriction must be felt here, as in other districts, where conservancy is found to be more than a name. As regards closure against grazing, the District Forest-officer will be asked to pay particular attention to any complaints, and, if necessary, open parts of the closed areas if it is found that real hardship exists; it often happens that there is real local hardship when a rounded block is suddenly reserved as a whole. It may happen also that sheep may possibly be admitted to certain tracts from which they are excluded without injury to the forests.

Resolution—dated 14th March 1895, Forest No. 330, Mis.

In the letter read above, the Collector of Ganjam reports on two petitions presented to His Excellency the Governor by certain ryots and shepherds of the Goomsur taluk and of Kullada Mitta during his last visit to that district.

2. After alluding to the numerous forest prosecutions and the heavy fines imposed by the Magistracy on questionable evidence, the ryots pray for permission to take certain forest produce required for agricultural and domestic purposes from the reserves free of charge. They also complain of the insufficiency of the period allowed in the forest permits for removal of forest produce, and of the reservation of "every bit of available forest land."

3. The Collector reports that no cases have come under his notice in which accused persons were convicted on insufficient evidence, while the sentences passed have certainly not erred on the score of severity. Prosecutions are, he admits, fairly numerous, but this is only what might be expected in a taluk where there are so many forests and where the ryots as a body endeavour to evade the law. The petitioners are the ordinary ryots of Goomsur who are as well off as their fellows elsewhere, and the Board agrees with the Collector that there is no reason why they should not be

made to pay for the produce of the reserves. Special concessions have been allowed under G.O., No. 2703, Mis., dated 12th July 1894, to the Khonds and poor Oriyas who inhabit the more remote villages on the borders of the Maliahs.

4. The time allowed in permits can be extended on sufficient cause being shown and the Collector has instructed the District Forest-officer to do this.

5. As regards the complaint of over-reservation, it is observed that the area of unreserved lands available for free grazing and for free removal of small timber and fuel for agricultural and domestic purposes is about 40 per cent. of the total unoccupied area of the taluk. The Forest Settlement-officer and District officer have been specially instructed in G.O., No. 2703, Mis., dated 12th July 1894, to see that sufficient margin for extension of cultivation is left in proposing areas for reservation.

6. The prayer of the shepherds of the Kullada Mitta that their goats should be admitted into forests of all descriptions is, as the Collector points out, inadmissible. Nineteen out of the 35 blocks of reserved forests in the Goomsur taluk are open to grazing on payment in addition to the large areas over which grazing is free. The Conservator states that the District Forest-officer will be asked to pay particular attention to any complaints that may be made and in cases of real hardship to open parts of the closed areas. He adds that sheep may possibly be admitted to certain tracts from which they are at present excluded without injury to the forests.

This should be done wherever possible, and later on it may be found practicable to modify the restrictions now placed on the admission of goats. Proposals to this end recently submitted by the Conservator, Central Circle, have been referred to the Conservator of other Circles for remarks and their replies are awaited.

7. Paragraph 7 of the Collector's report deals with the complaints contained in paragraphs 9 *et seq.* of the petition from the ryots of Goomsur which relate to the imposition of additional water-rate on lands formerly irrigated by certain rivers but now supplied with water from the Russellkonda reservoir and the Rushikulya canal and to the imposition of excessive rates of assessment on lands occupied without permission. These complaints are fully dealt with in the Deputy Collector's report which forms an enclosure to the Collector's letter. The increase in the assessment levied is due to the change in the classification of the irrigation source consequent upon the completion of the Rushikulya project.

8. Only two appeals were preferred to the Board against the imposition in fasli 1303 of prohibitory assessment for unauthorized occupation of poramboke lands. In one case the Board saw no reason to interfere and in the other, viz., the first case referred to by the Deputy Collector, the charge was reduced from 200 times to 10 times the assessment with a warning that if the occupation was not abandoned, the charge appealed against would be re-imposed in fasli 1304.

(True Copies and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Secretary to Government, Revenue Department,
with two petitions, in original, and copy of the Deputy Collector's
letter, R.C. No. 199, dated 21st December 1894.

Copy to the Collector of Ganjam.
" " Conservator of Forests, Northern Circle.

READ—also letter from the Collector of Ganjam, to the Secretary to Government, Revenue Department, dated Chatrapur, 12th March 1895, F. No. 2692.

ABSTRACT.—Stating, in reply to a reminder from the Revenue Department, that the report called for in G.O., No. 4299, dated 7th November 1894, was submitted through the Conservator on 19th January 1895.

23RD APRIL 1895, No. 223, REVENUE.

ORDER—dated 23rd April 1895, No. 223, Revenue.

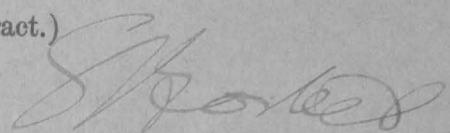
Forest No. 95.

The Government agrees with the Board of Revenue.

2. The following endorsement will be given to the petitioners :—

“The Government has received a report from the Collector of Ganjam and sees no reason to interfere.”

(True Extract.)



Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

,, the Petitioners (endorsement in paragraph 2).

,, the Legislative Department, with reference to the reply

given by His Excellency to question No. IV put by the

Hon'ble N. Subba Rao Pantulu at the Legislative

Council Meeting held on 13th March 1895.

,, the Editor's Table.

Exd. C. M. Brisson.

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STATEMENT WITH DITTO.

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