Revenue Department

Minutes of Consultation

11th To 17th Inst 1859

Book No. 184—19

Order No 781. of 13th Inst. 1859

781.

No. 18. Read the following Extract from the Proceedings of the Board of Revenue, dated 6th April 1859, No. 1218.

Read again letters from the Acting Collector of Malabar, dated 14th December 1858, and 20th January 1859, Nos. 181 and 9.

Read also letter from same officer, dated 24th January 1859, No. 12.

Ordered that the following letter be despatched.

To the Secretary to Government, Revenue Department.

From Govt. 5th April 1841, *A after No.* 456, *Revenue Department.*
From Govt. 31st May 1841, *No.* 728, *R. D.*
To Govt. 5th August ,,
From Govt. 6th Sept. 1841, *No.* 1130, *R. D.*
Do. 10th April 1853, *No.* 364, *R. D.*
To Govt. 27th July 1843.
Do. 23d Oct. ,,
From Govt. 30th Oct. 1843, *No.* 338, *M. D.*
To ,, *4th May* 1848.
From ,, *23d* ,, ,, *No.* 208, *M. D.*
To ,, *10th July* ,,
From ,, *21st June* 1849, *No.* 243.
,, ,, *24th Dec.* ,, ,, 463, *M. D.*

I am directed by the Board of Revenue to submit the accompanying correspondence for the consideration of Government, with reference to the papers noted in the margin, and with the following observations.

2. In 1843, after the District authorities had for 15 years been pressing strongly on the notice of Government the incalculable injury which was being caused to the Teak forests of Malabar, by the recklessly improvident felling of small sized timber and saplings, measures were taken for removing the inducements to this ruinous traffic, by placing so high a tariff valuation on the logs, beams, or planks, of very small girth or width, as to render the export duty on them, a positively prohibitive one.

3. The abolition of all duties on Port to Port trade in 1848, render this measure inoperative, and to prevent a renewal of the evil which had been effectually checked, Mr. Conolly, the then Collector of Malabar, issued an order, absolutely forbidding the exportation of Teak logs of less than eight inches diameter, and reported his proceedings to the Board, by whom they were brought to the notice of Government.

4. It was felt that this arbitary order of the Collector could not be maintained, however excellent the purpose for which it was issued, and instructions were accordingly given for its cancelment, which however by some means were not carried out, and the restriction remains in force to the present day—a fact which recent petitions to the Board brought to their knowledge.

5. Mr. Grant, the present Acting Collector, strongly deprecates any relaxation of this wholesome rule, and the Board while fully recognizing its infringement of the rights of private property, cannot but perceive that the real interests of proprietors are intimately concerned in its strict enforcement, which they would fain see legalized in some form, whether by a special duty on the exportation of these small sized timbers, or by such other prohibitive measures as may seem preferable to Government.

6. It may be said that the proprietors of the forests in Malabar are sufficiently keenly alive to their own interests to be safely entrusted with the custody of them, but it may be doubted whether they are equally sensitive to the irreparable injury which must result to their heirs, should all check on the felling of saplings be removed.

7. That immediate very large profits will result to those engaged in this traffic is certain not only from the past and present correspondence, but from the eager anxiety shewn by the timber merchants who petitioned the Board for removal of the hindrance to its prosecution.

8. Some idea of the extent to which the destruction is likely to be carried on may be formed from Mr. Grant's statement that during the two last seasons 11,000 undersized logs, floated down from the Cochin Territory, were exported under certificate from the Port of Ponany alone by that Circar, and applications have already been made in the present season for leave to export 6,000 similar logs.

9. The injury is so immense, and its cure so difficult, that the Board think ordinary considerations of free trade, and the liberty for a proprietor to deal as he will with his own, must

for the good of the community be somewhat disregarded. Needy proprietors, petty merchants, and reckless speculators, can scarcely be trusted to keep the good of the public in view when their own profits are concerned, and these are the persons who are interested in this traffic. The large timber trade requires an expensive plant, which they cannot provide, and the large landholders are in favor of more stringent measures for the repression of the undersized timber traffic, but they are at the mercy of their servants unless Government aid them. The Zamorin, and the Nedamboor Tiroopaud, to whom Mr. Conolly referred for their opinion on his Tariff, proposed additional restrictions.

10. But beyond the almost irreparable injury done to the forests, which the annual destruction of numberless saplings by burning the grass in the jungles tends to enhance greatly—there is another consideration to which of late years more and more importance is gradually being attached. The extent to which the clearing of wood-lands in America has diminished the rainfall over vast tracts of country, is recognized with alarm among those best qualified to appreciate the danger, and the same result has in a minor though certainly not less dangerous degree been perceived in this country.

11. With such a risk imminent it is necessary to subject even the legitimate timber trade to regulations which our Conservancy Department carry out in the Government Forests, but the great mass of the Malabar jungle territory has been admitted by Government to be private property, and no such rules can be enforced in it. On the other hand the Board believe that the necessity urged by the Petitioners of extensive thinning out of young trees to allow of the free growth of the remainder, exists less in the case of Teak than of the almost any other timber as it grows very sparely in the virgin forests, and a very sufficient demand will probably be found in the inland and local markets, with which the prohibition against Exportation would not interfere, for any supply that may be created by boná fide thinnings of crowded saplings.

In Con. 21st January 1850, *No.* 463, *M. D.*

12. In conclusion the Board direct me to remark, that they observe in Extract Minutes Consultation, dated 24th December 1849, para. 6, disposing of the general letter from England No. 14 of 1849, that the reply of the Supreme Government, dated 26th May 1849, to the reference made by this Government on the subject of the present letter, was laid before the Home Government, but they are not aware that any further action was taken in the matter, and they the more readily press for further consideration of it now, as it is not a new practice that has now to be introduced, but the rule that has been in force since 1843, though unauthorized since 1848, that they would desire to see legalized.

No. 19. ORDER THEREON, 13th June 1859, No. 781.

In these Proceedings the Board of Revenue bring before Government a subject which has in past years formed the material of much correspondence, viz. the injury to the teak forests of Malabar by the cutting of undersized timber. In 1843, with the view of checking this injurious practice, a differential duty was imposed on small sized timber exported by sea from Malabar. This impost effected the object intended; but it was repealed, with all other port to port duties (for the logs were taken to Bombay only) by Act VI. of 1848. The Collector, however, illegally passed an order prohibiting the export of logs under eight inches diameter; and though he was specially directed by Government to cancel that order, he disobeyed the injunction, and the prohibition has continued in force down to the present time. Recent petitions to the Board having made this fact known, the Board now report on the subject. They express themselves in favor of a continuance of the prohibitory order, but do not specify the means by which they would have it done.

2. The first question is, whether this is a case to justify such an interference with private property, and the Government are not of opinion that it is so. Even if the danger of the destruction of the forests were as imminent as the Board represent it in para. 6, the Government are of opinion that their preservation would be dearly purchased by such a violation of private rights. But it seems doubtful whether the danger is so great. At the close of para. 9, the Board themselves say that the *large* landholders are anxious to preserve their young trees. If

Proceedings of the Madras Government, Revenue Department, from 11th to 17th June 1859.

they are of this mind, in which they are likely to be confirmed by seeing their neighbours' forests ruined, it seems comparatively unimportant what course is taken by the small and "needy" proprietors. It is urged that the large proprietors are robbed by their servants. But this is a matter of police; and, wild as the country may be, a good police and a few examples made of these robbers would speedily stop their depredations. And when "protection" is withdrawn, and landholders are left to their own efforts and those of the police, they will be more likely to be active in establishing conservancy in their forests. It is possible also that they might be found willing to receive the aid of the Government Conservator, paying the actual charges incurred which would be trifling.

3. But supposing the prohibition to be deemed advisable, it would still remain to consider how it is to be maintained? The Government could not at all sanction the continuance of illegal acts, for which their officers might have been cast in damages, at any time during the last eleven years; or have been criminally prosecuted, if the police and magistracy had been less dependent on the Collector. An act of the legislature then would be necessary, and there seems no reason to suppose that for such a purpose an act could be obtained. These considerations, it is to be observed, apply not less to indirect action by means of duties on export, (all other commodities being free) than to direct prohibition.

4. The Government resolve to transmit the foregoing remarks to the Board of Revenue for their consideration. Should the Board have any thing further to urge in support of their views, the Government will be prepared to give it attention. An early reply is however requested; because unless sufficient reason should appear for perpetuating interference and restriction, there should be no time lost in abrogating the existing illegal practice.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Rev. Dept.

N° 781.

Proceedings of the Madras Government
Under date the 13th June 1859.

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of the Board of Revenue

(Tore enter 6th April /59
No 1218)

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6 Copies to the Bd of Revn Dispd 11th

R Cons: 6 April /41 № 24 @ 26
" 8 June " " 24 - 25
" 8 Sept^r " " 81 - 82.
" 11 April /43 " 6 @ 9.
Marine Cons: 5 Sept^r /43 " 2 - 3.
" 31 Oct^r " " 9 10.
" 30 May /48 " 9 @ 11.
" 25 July " " 4 - 5.
" 28 June /49 " 8 - 9.
" 24 Dec^r /49 " 2 - 22.

Revenue 1859 Departt
Rec: of Gov^t 17th June.

№ 781

Rec: of the Madras Government
Dy 13th June 59

From the Secretary to the B of Rev^e
Dated 30th June 1859 C № 1222
Cons:

Passing observations
on the views of the Board on the
felling of small sized timber
in the Teak forests of Malabar,
and transmitting the same to
them -

№ 1819.