M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 187	Press ~~Mis.~~
49-50	
Dated 8—2—~~19~~1850	

Not to be folded or roughly handled

No. 49. From Captain R. H. BEDDOME, Officiating Conservator of Forests, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated South Canara, 21st November 1863, No. 745:—

SIR,

1. I have the honor to acknowledge the receipt of the Government Order No. 2,038 of the 12th of November.

2. The proposed Rules commented on by Dr. Cleghorn and Dr. Brandis are the Rules lately framed by me in communication with the Board of Revenue and sanctioned by Government in their Order No. 1,099, dated 22nd of June 1863.

3. Dr. Cleghorn particularly requested me to keep him informed of all changes, &c., in the Department, and to forward him any documents that might be of use to him in organizing establishments in the North. Dr. Cleghorn is still Conservator of the Madras Presidency and is absent on special duty. The Code of Rules (at that time only proposed) were forwarded privately, they had been drawn up with great care, and some had been found to work exceedingly well in this Presidency, it was thought, therefore, that they might be of use. I must say, however, that I was much astonished when Dr. Cleghorn and Dr. Brandis published a commentary on them, particularly as Dr. Cleghorn was aware that the Rules had not at that time received the sanction of Government.

4. The Rules do not appear to have been quite understood by Dr. Cleghorn and Dr. Brandis, I beg therefore to forward a Note that I have drawn up on the subject.

Note on Dr. Cleghorn and Dr. Brandis' Memorandum in re Madras Forest Rules.

1. Although Ryots are allowed timber free of charge there are restrictions; they can fell in certain jungles, but only to a limited extent, *i. e.*, for the purpose of making agricultural implements, &c. (and not for building purposes, or for sale), nor are Ryots ever allowed to cut the timbers published in the District Gazettes as reserved. Before the commencement of the last official year, Ryots were cutting *Teak*, Satin and Vengay and the best kinds of timber for plough carts and house building.

2. The Tahsildar is only a receiver of money, he grants a voucher for the receipt of a certain amount; but the Forest Department are not obliged to grant a license on receipt of this, but may return it to parties with an order for a refund, if it is desirable to reserve the timber indented for or to reserve the particular forest in which parties have applied to be allowed to fell; this however is generally avoided, as when particular timbers or particular tracts are reserved for a time notice is given in the Gazette and elsewhere in the District. The Revenue authorities being the receivers of all money act as a check against embezzlement on the side of the Forest Department, this is very desirable as some Districts are under Overseers and Sub-Assistants. (Before this rule came into force great peculation was carried on in one District.) The Forest Department also acts as a check against any nefarious transactions on the part of the Native Revenue authorities. A three feet in girth tree is not a large one, but a standard rule that nothing smaller should be cut, or when so cut should in all cases be confiscated, was a great improvement. Before this rule of confiscation came into force, saplings were cut to an immense extent; I have seen bandy loads of Teak and Karà Murdàh (Terminatia) saplings six and seven inches in diameter. We do not, however, always allow three feet trees to be cut, and if six feet trees are to be procured the District Officer can enforce the felling of the same; in some Districts, however, trees never attain those dimensions. The trees are often marked (when they are to be felled by license), this is always done in *Madura*, *South Canara*, and in some parts of Salem, Kurnool and Cuddapah; these three latter districts, however, are very straggling, and it would be impossible to mark the trees systematically without a very large establishment.

3. The forests of our Presidency are divided into two classes.

4. All really valuable forest is strictly conserved and worked by the Department themselves (this is Class I).

5. All inferior forest, *i. e.*, that which would not pay for a regular working establishment is open to the public on the Voucher and License system, under the superintendence of a Forest Establishment, (this is Class II). It is to this latter portion of our forests only that the Code of Rules apply.

6. To Class I. belong, the Anamallays; the Wynád and Hunsur forests; the Mudumally forests; the Seegur forests; the Collegal and Bowani forests; the Denkencottah forests (in the Salem District); the Cumbem vally forests (in the Madura District); a portion of the South Canara forests; the Sal forests of Gumsur; the forests around Nelambur (Malabar).

7. To Class II. belong, the Cuddapah District; the chief portion of Salem District; a large portion of the Madura District; a portion of the South Canara District and the Kurnool District (the Nallay Mallays).

8. The latter District will, however, ere long be brought into Class I. I cannot see any thing to be gained by dividing the forests in three classes.

9. Rules No. I. and III. of the Code are a provision against Kumri.

(Signed) R. H. BEDDOME, Captain,
Officiating Conservator of Forests.

(True Copy.)

Deputy Secretary to Government.

Exd. S. T. Augustin.

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
3rd February 1864.

No. 189.

No. 50.

From

J. D. SIM, Esq.,
Secretary to the Government of Fort Saint George,

To

The Secretary to the Government of India, Public Works Department.

SIR,

1. I am directed to acknowledge the receipt of the Proceedings of the Right Honorable the Governor General of India, Public Works Department, dated Simla, 8th September 1863, Circular No. 44, G. G., and to furnish the information therein required regarding the Forest administration of this Presidency.

2. The enclosed communication from Captain Beddome explains the circumstances under which the rules, on which Doctor Cleghorn and Mr. Brandis have commented, were privately forwarded to the former. It is to be regretted that these gentlemen did not respect the private character of Captain Beddome's letter, or at least communicate with him on the points which seemed to them to need explanation.

3. In this Presidency the large and really valuable forests are entirely worked by the Conservancy Department, who thin, plant, fell and sell all the timber, and conduct every operation under their own direct superintendence. This system is adopted wherever it pays. To these forests the rules, on which Doctor Cleghorn and Mr. Brandis have commented, *do not apply*, and this mistake of course materially affects the value of their comments and criticisms.

4. In several Districts there are extensive tracts of forest and jungle land which repay conservancy, but from their scattered position and the sparseness of the timber trees in them, could not be worked by the Department except at an enormous and wholly disproportionate cost. In these tracts the Conservancy Department guard the existing timber, and plant wherever planting will pay. Persons desirous of getting timber pay their money into the Tahsildar's Treasury receiving a voucher or receipt, on production of which the Forest Officer, at his discretion issues or refuses a license. In the former case, the precise locality where the timber is to be cut, the description of tree and every other necessary particular is specified in the license. In the latter case an order for refund is given. Wherever practicable, the forest Officers further mark the trees which are to be cut, but the expense of this measure prevents its universal adoption. It is to these forests *only* that the rules above referred to apply.

5. In other parts of the country where nothing but low scrub and scattered trees of no value occur, the Revenue authorities preserve the jungles as well as they can, the head men of the villages being held answerable, where there is any thing to be answerable for. To place such tracts under regular conservancy would necessitate the employment of an army of foresters, entailing great and unremunerative expenditure.

6. Having thus briefly explained the Madras system, I am to submit the following remarks on such parts of the "Note" by Drs. Cleghorn and Brandis, as need particular notice, premising that the rules themselves were sanctioned by this Government two months before the "Note" was written and have worked very well.

7. *Note, paragraph* 3. Village topes are cared for by the Revenue Officers, because no other Department can perform the duty. These topes have in the great majority of instances been planted by the villagers themselves and are therefore municipal rather than State property.

8. *Note, Paragraph* 4. The term "agricultural purposes" means what Drs. Cleghorn and Brandis suppose, wood (of the unreserved kinds) for the construction and repair of agricultural instruments and fallen twigs and leaves for manure.

9. *Note, Paragraph* 5. Ryots cutting the reserved timbers are in all cases liable to prosecution under Rule I.

10. There seems to be some misapprehension on the part of Drs. Cleghorn and Brandis as to "forests within village boundaries." The whole of this Presidency is divided into villages and trees, houses, all things in fact are within some village boundary. The expression occurs

only in Rule 10, and obviously has no other signification than a definition of the limits within which the prescriptive rights of the Ryots hold good. Drs. Cleghorn and Brandis are right in inferring that all forests which do not belong to any one else, belong to the Government, subject however to certain prescriptive rights of the people.

11. *Paragraph* 10. The remarks in this paragraph indicate considerable misapprehension of the actual state of matters in this Presidency. A very large portion of the Presidency has nothing in it that can be called timber, and the reserved list always includes, as the marginal abstract shows, every tree worth reserving. It is no doubt of great importance to preserve all forest tracts, but it is of still greater importance that Government should scrupulously respect private rights. It would be impossible here to buy up these rights, for the amount of compensation would be very large, and after all the rights are of a very trivial nature. They are liable of course to abuse in individual instances, but such exceptional abuses do not warrant resumption of the rights of the whole community. There are no "village forests" in this Presidency, and as the village system of management does not prevail, each Ryot being perfectly independent of his neighbour, there is no municipality or recognized community to which a village forest could be made over. The Canara system is peculiar to a very peculiar Province, and could not be carried out in other Districts. Even in Canara it is not altogether unattended with difficulties.

Reserved list of Trees in the Coimbatore District.

Sandal.	Babool tree.
Red Sanders.	Sirisa.
Ebony.	Catechu.
Satin-wood.	Custard Apple.
Teak.	Guava.
Black-wood.	Soapnut.
Palmirah.	Capilarung.
Soorool Chukkay.	Eloopay.
Jack tree.	Cashewnut.
Achamarum.	Ta'ancollay.
Maruda tree.	Seecoymarum.
Common Ferminalia.	Punnay tree.
Glabrous Ferminalia.	Tamarind tree.
Cudduu tree.	

12. *Note, Paragraph* 11. This paragraph is entirely founded on a mistake. The Tahsildar merely receives the money and the voucher is simply a receipt for the same. Experience proved the advantage of keeping cash out of the hands of the Subordinate Officers of the Forest Department as much as possible, and of placing a check on their operations. The Forest Officers have absolute power of granting or withholding licenses, so that the hypothetical case of inconvenience set forth by Drs. Cleghorn and Brandis could never occur. The plan of requiring the Tahsildar to communicate with the Forest Officer before receiving the money would involve serious delay be unacceptable to timber merchants and cause much useless correspondence.

13. *Note, Paragraph* 12. "Kumary" is prohibited on new ground in every District, except with the previous sanction of the Forest Department. Where Kumary has once taken place no timber grows again, but a dense mass of unhealthy underwood, so that no object would be gained by preventing Kumary on such spots. The prohibition of fresh Kumary is strictly enforced in all Government forests and woods. Rules 1 and 3 would certainly include Kumary cutting and burning. In North Canara it is understood that Kumary has been revived for sanitary reasons.

14. *Note, Paragraph* 14. The classification here proposed is really that adopted in this Presidency: Class 1 includes forests like the Annamallays entirely under the management of the Forest Officers, who themselves work them; Class 2 comprises the scrubby tracts not worth regular conservancy and inexpensively cared for by the village officers under the Collectors control. In Class 3 are the forests worked by the Forest Department under the License and Voucher system. This ought rather to be the second class.

15. The remarks in the remaining portion of the "Note" are general and need no special notice. The system adopted in this Presidency is working well. It is very carefully supervised both by this Government and the Home Government, and every practicable improvement which suggests itself is adopted. The administration is steadily improving, and the Government are constrained to state that they have gained no knowledge which they did not already possess from the "Note" received with your communication, while they feel that they have been placed in a false position by the circulation to all the other Governments and Administrations of an erroneous critique on an unauthorized and private communication from one of their subordinates.

16. On Dr. Brandis' Note regarding the Forest administration of Central India few observations are needed.

Paragraph 2. 17. The Government cannot demur to his proposition that the rules laid down for those Provinces, *mutatis mutandis*, will suit this Presidency, as with that reservation they will apply to any forest anywhere, but considering the physical differences of the two countries, and the fact that Dr. Brandis, as the Government believe, has never been in either the idea indicates a dangerous tendency to generalize on insufficient premises.

18. The proposal in paragraph 3, viz., the deputation "of one or two experienced and confidential officers" to visit the forests, if intended to apply to this Presidency, is quite uncalled for. The Officers of the Forest, Department here are all experienced in their work and are under close supervision.

19. The Government have been much struck by the apparent assumption throughout the Note that effective forest administration requires the direct interference of the Supreme Government. This system of centralization has been tried in several Departments and so far as this Presidency is concerned has undoubtedly failed. Its extension to the Forest Department would inevitably also prove a failure. Any such step this Government would earnestly deprecate. They submit that it is not the province of the Imperial Government to undertake such a duty as the conservancy of forests all over India, and that there is no reason for attempting such a duty in the case of forests more than of any other source of Revenue. No single Officer could possibly supervise the operation of the Department throughout India, and the intervention of such an Officer between the local Governments and their subordinates could not but be mischievous. The latter would look beyond their own Government for the reward of their exertions, and would necessarily feel that the control over their proceedings would be less stringent because more distant. The arguments which the Government used in the letter marginally noted regarding the Directorship of the Post Office apply with equal force to the Forest Department, and the Government trust that so injurious and expensive a measure is not really contemplated by the Supreme Government.

To Government of India, dated 11th December 1862, No. 2,563.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. D. SIM,
Secretary to Government.

Exd. S. T. Augustin.

Revenue Department

No. 189

To

The Secretary to the
Govt. of India

Sir,

I am directed to acknowledge the receipt of the Progs. of the Right Honorable the Govr. Genl. of India C.P.C. dated Simla 8th Sept. 1863 Circ. G. G. V to furnish the information therein required regarding the Forest Administration of this Presidency.

2. The enclosed communication from Captain Beddome explains the circumstances under which the rules on which Dr. Cleghorn & Mr. Brandis have commented, were privately forwarded to the former. It is to be regretted that these gentlemen did not respect the

1 Copies Dated 6 Feby 64

Pro 22 June 1863 No. 346-349
Rg. Nov. 153-154

Revenue
Dept. Direct Govt. Secretary
Civil Govt. Forest Officer
Dept. Agriculture Circ.
Dept. Public Works

To Chief Secy. Govt.
Revenue Dept.

Copy with Govt. Resolution 1863
Revenue No. 730
Dated 24th Sept. 1863

Chief Secy. Govt.
Revenue Dept.

Copy with Govt. Resolution
Revenue No. 1
Dated 1st Oct. 1863

Chief Secy. Govt.
Revenue Dept.

Copy with Govt. Resolution
Revenue No.
Dated 5th Oct. 1863

Copy forwarded to D.C.

the private character of Captain Beddome's letter, or at least, communicate with him on the points which seemed to them to need explanation.

3 In this Residency the large and really valuable Forests are entirely worked by the Conservancy Depart. who thin, plant, fell and sell all the timber, and conduct every operation under their own direct superintendence. This system is adopted wherever it pays. To these Forests the rules on which Dr. Cleghorn and Mr. Brandis have commented do not apply, and this mistake materially affects the value of their comments & criticisms.

4 In several Districts

6

there are extensive tracts of Forest and Jungle, which repay conservancy but from their scattered position and the sparseness of the timber trees in them, could not be worked by the department except at an enormous and wholly disproportionate cost. In these tracts, which can scarcely be termed Forests, the Conservancy department gives at the existing timber and plant wherever planters will pay. Persons desirous of getting timber pay their money into the Tahsildar's Treasury receiving a voucher or receipt - on production of which the Forest officer, at his discretion, issues or refuses a license. In the former case, the spot where the timber is to be cut - the description of

tree

tree and every other necessary particular ~~is specified in the license~~ In the latter case, an order for refund is given. Wherever practicable, ~~without immediate expence~~ the forest officers further mark the trees which are to be cut, but the expence of this measure prevents its universal adoption. It is to these forests that the rules above refer to apply.

5 In other parts of the country where nothing but low scrub and scattered trees of no value occur, the Raiyans authorities preserve the jungles as well as they can - the headmen of the villages being held answerable, where there is any thing to be answerable for. To place such tracts under regular Conservancy would necessitate the employment of an army of foresters - ~~exceeding enormously in pay the present cost of~~ ~~each in looking after a hundred~~ Having thus briefly explained the Ryotwar system I beg to submit

6

7

submit the following remarks on such parts of the "note" by Mr Cleghorn and Brandis as need particular notice premising that the rules themselves were sanctioned by this Govt two months before the "note" was written, and have worked very well.

Note, Para 3. Village topes are cared for by the Revenue officers because no other department can perform the duty. These topes have in the great majority of instances been planted by the villagers themselves, and are therefore private rather than State property.

8

Para 4. The term "Agriculturist purposes" means what Mr Cleghorn and Brandis suppose - 6000 of the wooden ploughs for the construction and repair

repair of agricultural implements and fallen logs and branches for manure - ~~In some villages boundary prescriptions exist but as a rule the limits should be fixed on the practical basis of planting - these villages are debarred in the distance between which no trees should be cut - no objection would be reasonably raised to the cutting of fallen trees by prescriptive right~~

Para 5. Rights cutting of reserved timbers are in all cases liable to prosecution under Rule 1. c.

There seems to be some misapprehension on the part of Drs Clegborn and Brandis as to "forests within village bounda-ries." The whole of this Residency is divided into villages and forest-lands all things in land within

some village boundaries. The exception occurs only in Rule 10 and obviously has no other signification than a definition of the limits within which the prescriptive rights of the ryots should hold good. Drs Clegborn and Brandis are right in inferring that all forests which do not belong to any one else, belong to the Government subject to certain prescriptive rights of the people -

Para 10. The remarks in this para indicate considerable misapprehension of the actual state of matters in this Residency - A very large portion of the Residency has nothing in it that can be called timber - and the reserve

[illegible]

list also, as includes the marginal abstract shows - very little worth reserving - there is no doubt of great importance to preserve all Teak bearers - but it is of still greater importance that Government should scrupulously respect private rights - If would be impossible here to buy up these rights for the amount of compensation

Botanical Names / Telugu Names

Reserved list of Trees in the Colimbatore District.

Botanical Names	Telugu Names	
Pterocarpus marsupium	Yegi	21st the Laundy Road.
Terminalia tomentosa	Nalla Maddi	
Terminalia arjuna	Enumaddi	
Dalbergia latifolia	Jilegi	
Hardwickia binata	Yerra Yepa	
Lakimood	Billa	
Conocarpus latifolius	Chinniman	
Gmelina arborea	Gumar Tik	
Diospyros melanoxylon	Tumki	

Sandal -
Red sanders -
Ebony -
Satin wood.
Teak -
Blackwood.
Palmirah. +
Coconut Palm -
Jack tree -
Vechamaram -
Maruda tree -
Common Terminalia
Elaborate Terminalia
Jaddum tree.
Palmyrah tree -
Sirisu -
Cutchu -
Custard apple -
Guava -
Seapunt -
Capitarum -
Iloopay -
Cashewnut -
Satanculay -
Seeroyundram -
Gunar tree -
Sandrie tree -
Palmyrah +

compensation would be very large and after all the rights are of a very trivial nature - liable of course to abuse in individual instances but ~~not in the whole subjection that the writers of the note imagine~~

Such exceptional abuses ~~have~~ resumption do not warrant of the rights of the whole community - There are no "village forests" in this Presidency and as the village system of management does not prevail, each ryot being perfectly independent of his neighbour - there is no municipality or recognised community to which a village forest could be made

made over. The Canara system is peculiar to a very peculiar province and could not be carried out in other Districts. Even in Canara it is not altogether unattended with difficulties. ~~to which Mr Clayton and Brandis seem to suppose~~

Para 11. This paragraph is entirely founded on a mistake. The Sahsildar merely receives the money and the voucher is simply a receipt for the same. Experience proved the advantage of keeping cash out of the hands of Subordinate Forest Dept officers as much as possible, and placing a check over their operations. The Forest officers have absolute powers of

of granting or withholding licences, so that the hypothetical case of inconvenience set forth by Mr Clayton & Brandis could never occur. The plan of requiring the Sahsildar to communicate with the Forest officer before receiving the money would involve serious delay & be unacceptable to timber merchants.

Para 12. "Kumary" is prohibited on new ground in every District, except with the previous sanction of the Forest Departt. Where Kumary has once taken place no timber grows again but a dense mass of unhealthy

undergrowth - so that no object would be gained by preventing Kumary on such spots. The prohibition of fresh Kumary is strictly enforced in all Govt. forests and woods. The rules however do not apply to South Canara in which the practice has hitherto been followed. Rules 1 & 3 would certainly include Kumary cutting & burning in North Canara it is understood that Kumary has been revived for sanitary reasons.

Para 13. The classification here proposed is really that adopted in this Presidency - Class I includes Forests like these Annamalays entirely under the management of the Forest officers who themselves work them

Class

Class 2. Comprises the scrubby tracts not worth regular conservancy and inexpensively cared for by the village officers under the Collectors control -

Class III are the forests marked by the Forest Department under the License and Voucher system. This might rather be the second class.

The remarks in the remaining portion of the "Note" are general and need no special notice - The system adopted in this Presidency is working well - It is very carefully supervised both by this Government and the Board Government and every practicable improvement which suggests itself is adopted - The administration is steadily improving and the Government are

Forest for 14

constrained to state that they have gained no knowledge which they did not already possess from the "Note" received with your communication while they feel that they have been placed in a false position by the circulation to all the other Governments and administrations of an extraneous critique on an unauthorised and private communication from one of their subordinates.

Is this true Sirrey?

On Dr Brandis's Note regarding the Forest administration of Central India few observations are needed.

The Govt cannot demur to his proposition that the rules laid down for those Provinces - Mudali's Mudaeli's will suit this Presidency, as with that reservation they will apply to any part which is considering

Shall this stand?

Para 2

considering the physical differences of the five districts and the fact that Dr Brandis on the Govt believe has not been in either the idea indicates a dangerous tendency to generalize on insufficient premises.

The proposal in para 5 - viz "the deputation" of one or two experienced and confidential officers "to visit the Forests if intended to apply to this Presidency, is quite uncalled for - the officers of the Forest Department here are all experienced in their work and are under close supervision, while Dr Cleghorn has extensively visited the Forests of the Southern Coast

The Government have been much struck by

by the apparent assumption, throughout the whole that effective Forest administration requires the direct interference of the Supreme Government. This system of centralization has been tried in several Departments and so far as this Presidency is concerned has now been finally settled. Its extension to the Forest Department would inevitably also prove unsuccessful. If they were to adopt this Government would inevitably become bankrupt ~~shortly~~ ~~afterwards~~. They submit that it is not the province of the Imperial Govt. to undertake such a duty as the conservancy of Forests all over India and that therefore no reason for an attempt

attempting such a duty in the case of Forests more than of any other source of Revenue.

No single officer could possibly supervise the operation of the Department throughout India and the intervention of such an officer between the local Governments and their subordinates could not but be mischievous. The latter would look beyond their own Govt. for the reward of their exertions and would necessarily feel that the control over their proceedings would be less stringent because more distant. The arguments which the Govt. used in

this

that I have separately
stated regarding the
Correspondence of the Post
Offices apply with equal
force to the Inland Office
and the Government think
that no pernicious and
expensive measure is
likely to be contemplated
by that Supreme Court.

I have &c.

(Signed) Geo. Rose
3d July 1806.

Extract of Letter dated 11th December 1812 No 25 & 83.

X

Revenue 18th Desp.
Pro: of Govt for February
No. 189.

To
The Secretary to the
Government of India.
Dated 3rd February 1871.

Government of India
furnished with information
on the points noticed by
Dr. Cleghorn and Brandis
in their Forest Rules.

Pol. 4 50