M.R.O. 14—15,000—27-9-54.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 384 Press ~~Mis.~~

42 43

Dated 3 — 3 ~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 3rd March 1864.

No. 42. Read the following Proceedings of the Board of Revenue, dated 23rd February 1864, No. 1,175:—

Read the following Government Order, dated 12th November 1863, No. 2,038, Revenue Department.

1. The objections of Doctors Cleghorn and Brandis seem to be mainly based on a mis-conception of the rules, and of the facts of the case. There are no village forests, distinct from Government forests in this Presidency, as appears to be supposed. The whole country is sub-divided into villages or town-ships, the limits of which are well known to the people, whose communal rights therein are respected by the Forest Conservancy Rules, to the extent to which such rights have been admitted by the Government and are essential for the well being of the community.

2. There is no such distinction recognized, as the one supposed by Doctors Cleghorn and Brandis, between Ryots and villagers.

3. For fuel, for agricultural purposes, for house-building and other domestic purposes, the right of all villagers to supply their individual needs from the jungles within the village boundary free of charge within certain prescribed limits and on certain conditions, is unhesitatingly admitted as a right of which the people cannot be justly deprived. When the question of sale beyond the village boundary arises, the Government steps in and asserts its restrictive authority for the good of the whole community. It is on the same principle that the power to reserve particular localities and specially valuable kinds of timber is asserted, and the Board do not consider that any further limitations than those prescribed in the rules approved by Government are needed.

4. Two other points of importance are misunderstood by the writers of the remarks on the Madras rules, viz., that "village topes" come under the operation of the rules, and that the voucher given by Tahsildars for payment of money into the Talook Treasury, to obtain a license to cut wood, is equivalent to an order to the Forest Department, to grant such license.

5. "Village topes" are entrusted to the community for use and maintenance, as places for markets for travellers to halt at, and such like purposes. They are not in any way brought under the operation of the "Village Jungle Conservancy Rules," or "Rules of the Forest Department" for regulating and restricting the cutting of fuel or felling of timber.

6. The voucher given by the Tahsildar merely *empowers* the Forest Department to issue a license *if they see no objection* to doing so in reference to the terms of the application.

7. The Board do not see that the remarks of Doctors Cleghorn and Brandis contain any suggestions, which render necessary a modification of the rules as passed by Government. In the Board's opinion the rules afford all the facilities necessary for the proper attainment of the object in view.

8. They cannot see that any possible advantage could arise from the adoption of Dr. Brandis' suggestion that the Supreme Government should prescribe a detailed set of rules, which "*mutatis mutandis*" should guide operations in all parts of India alike. The circumstances of different parts of India differ so essentially that to attempt to reduce them all to a Procrustean resemblance would, in the Board's opinion, be mischievous and fatal to efficiency.

No. 43. ORDER THEREON, 3rd March 1864, No. 384.

Ordered to be recorded.

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 1,175.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd February 1864.

Read the following Government Order, dated 12th November 1863, No. 2,038, Revenue Department.

1. The objections of Doctors Cleghorn and Brandis seem to be mainly based on a misconception of the rules, and of the facts of the case. There are no village forests, distinct from Government forests in this Presidency, as appears to be supposed. The whole country is sub-divided into villages or town-ships, the limits of which are well known to the people, whose communal rights therein are respected by the Forest Conservancy Rules, to the extent to which such rights have been admitted by the Government and are essential for the well being of the community.

2. There is no such distinction recognized, as the one supposed by Doctors Cleghorn and Brandis between Ryots and villagers.

3. For fuel, for agricultural purposes, for house-building and other domestic purposes, the right of all villagers to supply their individual needs from the jungles within the village boundary free of charge within certain prescribed limits and on certain conditions, is unhesitatingly admitted as a right of which the people cannot be justly deprived. When the question of sale beyond the village boundary arises, the Government steps in and asserts its restrictive authority for the good of the whole community. It is on the same principle that the power to reserve particular localities and specially valuable kinds of timber is asserted, and the Board do not consider that any further limitations than those prescribed in the rules approved by Government are needed.

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(A true Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Exd. J. Wright.

Pro. 12 November 1863 No 153-158
1st February 1864 No 69-89

Read 1864. Department.
Pro. of Govt for

No. 522.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 23rd February 1864.
Read 26 do
Rec'd 27 do

No. 1,175.

Submitting Board's remarks on the Notes of Doctors Brandis and Cleghorn on the Forest Rules proposed by Captain Beddome for the Madras Presidency. No. 384.

RECORDED

3rd March 1864