M.R.O. 1—38,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2795 Press Mis.

193-194

Dated 14th October 1869

Not to be folded or roughly handled

VNS

No. 193. Read the following letter from the Officiating Secretary to the Government of India, Public Works Department, (Revenue—Forests,) to the Acting Secretary to the Government of Madras, Revenue Department, dated Simla, 18th September 1869, No. 444-F :—

I AM directed to acknowledge the receipt of your letter, No. 1,699, dated 14th June last, relative to the introduction of the Forest Act into the Madras Presidency, which, in the opinion of the Government of Madras, is uncalled for at present and inexpedient.

2. In reply, I am directed to state that the Government of India fully admit that Act VII. of 1865 is inadequate to meet the requirements of forest administration in the Madras Presidency, where, as is reported, nearly all the jungles and forests are within village-boundaries, and are subject to the prescriptive rights of the inhabitants.

3. It is justly observed by the Board of Revenue that Section 2 of the Act requires that the Notification, defining Government forests, shall not abridge or affect any existing rights of individuals or communities, and that consequently Rules can be framed under the Act for those forests only which are absolutely the property of Government and free from private rights of every kind.

4. This important defect in the existing law it is, however, proposed to correct as early as possible, and in a Draft Bill which has been prepared by the Inspector-General of Forests, (but which has not yet been reviewed by the Government of India,) certain provisions have been inserted for the regulation and commutation of forest-rights. A copy of this document, with an explanatory memorandum by the Inspector-General of Forests, is forwarded for the information of the Government of Madras, and special attention is invited to Parts IV., V., and VI. of the Draft Bill.

5. Under these circumstances therefore the Governor-General in Council cannot consider that the inadequacy of the present Act affords any sufficient argument against the introduction of Special Forest Legislation in the Madras Presidency. The broad principle which the Government of India desire to see acknowledged in Madras as elsewhere is, that settlement or extinction of all forest-rights which interfere with a proper conservancy-management of the forests, should be effected by means of fair and equitable arrangements, which will compensate any limitation of existing advantages, and fully provide for the requirements of the people. Such a settlement may, in the opinion of His Excellency in Council, be effected by the grant to the people of defined areas of waste and jungle-lands for their exclusive use, or by any other means which may be considered suitable.

6. The Governor-General in Council fully agrees with the observations submitted by the Board of Revenue in paragraphs 30 and 31 of their Proceedings, No. 2,777, dated 16th April 1868, that due provision must be made for the grazing of cattle and for the extension of cultivation. But His Excellency in Council is convinced that these objects may best be attained by concentrating forest conservancy on limited, well defined areas, which will eventually come to be the forest

domains of the State, and by assigning to the inhabitants other well-defined tracts for their own exclusive use. This process must be gradual, but the procedure in effecting a separation of the State and village-forests and waste lands ought, in the opinion of the Governor-General in Council, to be regulated by a well-considered Legislative Enactment.

7. In paragraph 40 of their Proceedings quoted above, the Board of Revenue urge, with great propriety, that the sources of springs and rivers should be protected by a careful and complete system of conservancy, and state that this can be done without any necessity for introducing the Act.

The Government of India readily admit that the present Act would give no assistance in this respect, but unless the protection of the sources of springs and streams is to be limited to those lands over which Government have absolute control, it is evident that legislation will be necessary. With reference to this subject I am directed to invite special attention to the provisions of Section 42 of the Draft Forest Bill prepared by the Inspector-General of Forests.

8. The Officiating Conservator correctly urges that the Penal Code does not provide any punishment for simple trespass, and that without the power of prohibiting ingress into certain parts of the forests, protection is impossible. For this purpose also, and to guard against cattle-trespass, it appears to His Excellency in Council that special legislative authority is necessary.

9. The foregoing remarks regarding Forest Legislation, generally, will doubtless receive that attention by the Madras Government, which the importance of the subject demands; and I am directed to request that the Government of India be favoured by an expression of opinion regarding the Draft Bill submitted by the Inspector-General of Forests, and its fitness or otherwise for the special requirements of the Madras Presidency.

No. 191. ORDER THEREON, 14th October 1869, No. 2,795.

Forests, No. 11.

FORWARDED to the Board of Revenue and the Acting Conservator of Forests for the early submission of any observations they may desire to offer on the Draft Act and the views expressed in the memorandum by the Inspector-General of Forests.

2. The Governor in Council would also wish to be furnished with the views of the Board on the suggestion made in Major Beddome's letter of the 15th March last, (recorded in the Proceedings of Government, under date the 27th May last,) that the officers employed in the conservancy of forests should be placed more under the Collectors than they are at present in all matters not purely departmental, and whether the change here suggested might not be carried further by entrusting the duty of conservancy entirely to the Collectors of districts, aided by such special agency as may be required in addition to their Tahsildars and other Revenue subordinates, and by constituting the Conservator an Inspector of Forests and

adviser of the Collectors in all matters relating to conservation and planting. In this case, it would probably be necessary to retain one or more of the present Forest Officers as Assistant-Inspectors of Forests.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Acting Conservator of Forests.

Exd. F. R. Bantleman.

Govt. of (1869) Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &.

Dated October, 1869.

Rec'd. Pub.

G. O., 14th October 1869, No. 2555.

From Conservancy Board of Forests

Dy

Subject

Brief Act for the management of [illegible] of forests—Letter from Government of India transmitting it, forwarded to Board of Revenue, and Conservator of Forests for early [illegible]

Revenue Department

No. 2795.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 14th Octr 1869.

Read the following letter from the Offg Secy to the Govt of India D.D. 18th Sept.

Forwarding a draft Bill to provide for the management and preservation of Forests and requesting the opinion of the Govt no to its fitness or otherwise for the special requirements of the Madras Presy

} N.D. 18th Sept. 1869, No. 444.

Forwarded to the Board of Revenue and the Actg Conservator of Forests for the early submission of any observations they may desire to offer on the draft Act and the views expressed in the Memo. by the Inspector General of Forests.

2. The Governor in Council would

would also wish to be furnished with the views of the Board on the suggestion made in Major Beddome's letter of the 15th March last seconded in the Pro.s of Govt. under date the 29th May last, that the officers employed in the Conservancy of Forests should be placed more under the Collectors than they are at present, in all matters connected with departmental, and whether the change suggested might not be carried further by entrusting the duty of Conservancy entirely to the Collectors of districts aided by such specialists as may be required in addition to their Talookdars and other Revenue subordinates, and by constituting the Conservator

Conservator an Inspector of Forests and adviser of the Collectors in all matters relating to conservation & planting. In this case it would probably be necessary to retain one or more of the present Forest officers as Assistant Inspectors of Forests

14 Letter Govt Rev Dept 15 Nov 82 seconded with the opinion of Govt Engineer Dept Forests relative thereto

13 — Ass Conservr Forests

1/3/4

Lt Col H. Beddome