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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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1371
17. 9. 1875.

Proceedings of the Madras Government, Revenue Department,
17th September 1875.

Read the following papers:—

No. 137. Despatch from the Right Honorable the Secretary of State for India.

Revenue—Forests,
No. 1.

INDIA OFFICE, LONDON,
27th January 1870.

MY LORD,—I have considered in Council the despatch from your Excellency in Council, numbered 5, Forests, and dated the 22nd of June, with which you transmit certain papers relating to the question of the introduction of a Forest Act into your Presidency, and state your opinion that such a course "is uncalled for at present, and would be inexpedient." You ground this opinion on the difference existing between the tenure of land in Southern India, and the several portions of the continent of India into which the existing Act has been introduced with success, which leads you to concur with the Board of Revenue, that such an Act "could hardly be introduced into your Presidency, where nearly all the jungles and forests are within village boundaries, and are subject to t' prescriptive rights of the villagers, without causing much popular discontent and serious risk of oppression."

2. This question is one of vital importance to the forests of India, the preservation of which has become of very great consequence to the prosperity of the country, and is an object upon which the Governments of the several Presidencies and the local authorities are incurring, with the full sanction of Her Majesty's Government, very considerable expense.

3. The views of Her Majesty's Government on this point are evidenced by two despatches of my predecessor, Sir Stafford Northcote, in 1867 and 1868, and by one of my own in February of this year, in which strong opinions, founded on reports by the forest officers of your Presidency, are expressed as to the urgent necessity for introducing an Act which shall strengthen the hands of the forest officers in protecting the valuable property entrusted to their charge. One of the chief difficulties encountered by them arises from the uncertainty of the law, and the reluctance of the judicial officers to act in the absence of any definite enactment on the subject.

4. I regret, therefore, to learn that you have not found it practicable to introduce such an enactment into your Presidency. Her Majesty's Government are, as you are aware, fully impressed with the importance of the adoption of efficient measures for preserving the forests of India, whilst they admit also the necessity of those measures being so framed as to interfere as little as possible with private rights, which may have grown up on behalf of villages or individuals. On the other hand, it must be remembered that as civilisation advances these rights become less and less necessary to the cultivators, and are found frequently incompatible with the superior rights of the whole community, among whom the cultivators themselves obtain advantage in other ways from the restriction of their ancient privileges. The change to this state of things must be gradual, and so timed as to make the transition as little

onerous as may be to those who have held such privileges. In the instance before us, it must be remembered that the absolute concession of these privileges would, as a rule, render the effective preservation of the forests impossible, and, moreover, that this is not an object of private import, but is undertaken by Government for the benefit of the whole community.

5. It may be added that all the measures already adopted for several years past must have tended to prepare the minds of the inhabitants of the villages for a change of the nature indicated.

6. I will also point out that the statement of the Board of Revenue, which you have adopted, that "nearly all the jungles and forests throughout your Presidency are within village boundaries, and are subject to the prescriptive rights of the villagers," seems one which cannot be reconciled with the reports on your forests which are annually received, although, doubtless, in many instances, the case may be as represented.

7. Her Majesty's Government while, with your Excellency in Council, they would deprecate the passing of any Act which would suddenly deprive villages or individuals of real rights which they have hitherto enjoyed, or which, unless properly watched, could be converted into an instrument of oppression, are of opinion that these privileges, when they militate against the good of the community, should be gradually done away with. They are willing, however, to leave the best mode of reconciling these two objects (whether by compensation, in cases where that mode may be found necessary or practicable, or by such other means as may be deemed expedient) to the wisdom of your Excellency in Council, observing, however, that what might at first be suitable for one district of your Presidency might be unsuited to another, and that an Act might be framed only to be applied to any district when it might appear to your Excellency in Council to be ripe for its introduction.

8. It is not supposed that the passing of an Act would supersede the necessity of a proper demarcation of the Government forests, or, in the case of newly-made plantations, of protecting them by an effective fence. Nor need the villages be deprived of such privileges as allowances of timber, which may have been conceded to them hitherto, so long as these are only exercised under departmental supervision.

9. In thus stating the views of Her Majesty's Government, I rely upon your Excellency in Council to use your best efforts to carry them out in the administration of this department, and, above all, to impress upon all Magistrates and Revenue-officers the necessity of harmoniously co-operating with, and giving efficient aid and support to the officers of the Forest Department in the discharge of duties which, from their nature, cannot be easy of execution.

10. In any case, it is desirable that you should ascertain from the several Governments and Administrations where the present Forest Act has been in operation, what its practical effect has been.

I have, &c.,
(Signed) ARGYLL.

To His Excellency the Right Honorable
The Governor in Council, Fort St. George.

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Proceedings of the Madras Government Revenue Department,
17th September 1875.

No. 138. From Major R. H. BEDDOME, Conservator of Forests, to W. HUDLESTON, Esq., Secretary to Government, Revenue Department, dated Ootacamund, 31st January 1871, No. 2,581.

With reference to the G. O., No. 2,007, of the 12th of December last, I have the honor to submit Lieutenant-Colonel Morgan's and Lieutenant Walker's opinions on the proposed Forest Act.

2. The Bill appears to me to be exhaustive and to meet all requirements. Some of Lieutenant Walker's remarks are well worth the consideration of the Inspector-General, and I consider it most important that in Part X. all Native Revenue Officials, as well as the Police, should be authorised by law to give assistance in preventing offences against Forest Rules, and that penalties should be prescribed in the event of their wilfully neglecting to do so: at present much forest crime is attributable to the connivance of these officials. The maximum penalty prescribed in Part XI. is certainly insufficient for grave offences, or, as Lieutenant Walker points out, for cases of habitual depredation; and I cannot see why the extent of the fine need be mentioned. Parties might enter some of our mountain forests and commit damage far exceeding Rs. 500, or they might even dispose of timber beyond this sum, and realise the money previous to detection. A case in point has actually occurred. Some six years ago a contractor was employed in the mountain forest at Sholaykaray to cut some timber for the Coimbatore Jail, but he also cut upwards of Rs. 1,000 worth on his own account, and was transporting it, through the jungles, in the opposite direction to Palghaut when he was detected; he was fined Rs. 1,000 besides imprisonment.

3. I am now strongly in favor of an Act for this Presidency. The extension of railways has made it necessary, and I feel convinced that conservancy can never be brought to any perfection without its aid. It would, besides, be an anomaly for it to be in force in the rest of India and not in Madras, and we should work at a great disadvantage, and soon fall behind the rest of India, and the Act would undoubtedly become imperative upon Government sooner or later.

Part VII. of the proposed Act will legalise all Forest Rules made by local Governments. At present our rules are not supposed to be legal by all Magistrates, and some refuse to uphold them, and often when a Magistrate convicts and punishes some forest crime or theft the Judge of the district will upset his decision and release the culprit.

Part VIII. will enable Government to exercise what control may become necessary over private forests, and I do not see how this could be obtained without the Act. The destruction going on from the advance of railways will soon show how very necessary steps in this direction will become. In Tinnevelly, the whole irrigation of the district is dependent upon the preservation of the mountain forests, the most important of which are claimed by Zemindars. The proposed Act would enable Government, at any time, to take over the management of these, simply crediting all proceeds to the owners. In many parts of our Presidency, landslips, avalanches, the destruction of ghauts, roads, and bridges, and the drying up of streams may be the result of the injudicious management of private forests, and is a thing not unlikely to occur before the enormous demand for railway fuel.

Part IX. enables Government to place some control over the transport of private timber. I could quote many cases to show how very important a question this

is, and I have no hesitation in saying that smuggling cannot be properly checked or efficient conservancy introduced without attention to this point. At present, we cannot challenge timber, unless we actually see it felled. The consequence is that all holders of private forests or parties carrying their licenses can rob Government forests with impunity. Even the holders of small puttas of scrub-jungle often take to issuing their licenses, and the result can be easily imagined under the present state of our rules and of Forest Law.

Part X. may produce great results in checking the present great destruction from forest fires, and provides against trespass.

4. The Act may be too strict in some of its clauses, and other clauses may not be required, but they need not be brought into play where unnecessary.

ENCLOSURE No. 1.

From Lieutenant-Colonel H. R. MORGAN, Deputy Conservator of Forests, to Major R. H. BEDDOME, Conservator of Forests, dated Ootacamund, 2nd January 1871, No. 315.

IN reply to your letter, No. 2,473, of 14th December 1870, I have the honor to forward the following remarks on the Forest Bill.

2. The Bill is an exhaustive one, and nothing remains to be added.

3. The control of private forests (paragraphs 42 to 47) provides for a want long felt by this department. I will mention two or three cases in point. The custodian of the Polpilly Temple lands in Wynaad leased the forest for twenty years to a Mysore timber-merchant on a stump fee of three and a-half Rupees a tree; the usual result followed. The lessee cut a thousand trees and paid for five hundred; on finding this to be the case after checking the passports, the custodian requested the forest officer to stop the issue of Passports; this was done. On this, the Mysore merchant bribing the owner of a small forest adjoining, passed his wood through this man's passports; the forest officer soon discovered that the owner of the small forest was aiding and abetting the Mysore merchant in a system of robbery he could do nothing except stop all passports. Magistrates constantly refuse to convict, alleging that there is no Forest Law. I am informed that in Kurnool the same system of robbery prevails; a man owns some two thousand acres, cuts in Government land, and issues Passports to his people, as if the wood came from his private forest. In fact, cases could be multiplied to any extent to prove that without a forest law our hands are tied.

4. Many of the sections would remain dormant in certain districts, and probably would never require to be brought into operation; nevertheless, the fact of the forest officer being able to exercise certain powers would have a good moral effect.

5. I am not quite in accord with Part IX. To have the power to levy transit duties is to place in the hands of parties, who do not recognise the principles of free trade, the power to vets the passage of all timber as was done by the Mysore Government once before, when they levied a transit duty of 3 Rupees on every cart-load of our timber. This might occur again, though the then Governor-General ordered the obnoxious tax to be at once repealed directly it was brought to his notice.

6. With the exception of Part IX., I cordially approve of the provisions of the Bill; it will strengthen the hands of forest officers, and, at the same time, tend to the settlement of many matters which are, at present, a source of misunderstanding to all parties.

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ENCLOSURE No. 2.

From Lieutenant C. J. WALKER, Deputy Conservator of Forests, Madura and Tinnevelly, to Major R. H. BEDDOME, Conservator of Forests, Ootacamund, dated Point Calimere, 20th January 1871, No. 571.

IN returning the draft Forest Bill, forwarded with your letter, No. 2,533, of the 5th instant, I have the honor to state that the explanatory memorandum prefixed by Dr. Brandis embodies almost all my opinions on the subject, and that I am strongly in favor of the proposed Bill as a whole. A few modifications and alterations appear necessary, *viz.*—

2. PART II., *Sections* 9 *and* 10.—I think it would be advisable to define more accurately what is meant by "Conservator of Forests" and "Forest Officer," as is done in Sections 3 to 10 of the Police Act (No. V. of 1861) referred to by Dr. Brandis.

PART III., *Section* 12.—It would appear to be preferable to have a preliminary demarcation, and not to declare any tract a State forest until the objections, and forest rights were ascertained and defined as provided in subsequent sections. This is the course which I have advocated in South Arcot with regard to fuel-reserves.

PART III., *Section* 18.—I would substitute one forest and one land-revenue officer for "two or more forest officers," as it would generally be inconvenient to depute two forest officers, and it would appear preferable that the divisional officer or one of the Collector's Assistants should be present.

PART IV., *Section* 21.—Three years appears too long a period within which claims regarding forest rights should be preferred. One year would, I think, be ample, or even three months if the course proposed with regard to Section 12 were adopted.

PART VI., *Sections* 34 *to* 38.—The necessity of these commissions appear questionable; I should say that they were only necessary for one reason, *viz.*, that the ordinary Civil Courts of a district are so choked with work in arrears that it is hopeless to expect a hearing within two years, and most probably it would take four before the case came on. This is doubtless the case in most districts. I think some simpler mode of settlement might be provided, *e.g.*, the Collector or divisional officer and district forest officer. If the Commission stands, it should be stated of whom it is to consist. Are the members to be official or non-official, European or Native.

I consider that an appeal should lie to the Board of Revenue or local Government in all such cases. Such appeal to be submitted within one month.

PART X., *Sections* 57 *to* 60.—I would strongly advocate the taluq and village Revenue officers, *viz.*, Tahsildar, Sheristadar, Natamgars, Reddies, Revenue Inspectors, Gramum Munsiffs, &c., being enjoined by law to prevent and give information of all offences against the forest law, and that penalties and punishments should be prescribed in the event of their not doing so. My experience is that in every district with which I have had to do, forest theft, mischief or trespass is mainly attributable to the connivance, and even abetment of the village-officials and supineness of the Tahsildars in cases brought to their notice.

PART XI., *Sections* 61 *to* 75.—I consider the maximum penalty or punishment prescribed in Sections 61 and 62 entirely inadequate; it is true that Section 63 provides that offenders may be prosecuted and punished under any other Regulation or Act, such as the Indian Penal Code, but I think the general tendency is averse to prosecutions under a General Code when there is a special Act; at least I know that this was found to be the case in Mysore, and we must, therefore, look mainly to the special Act for means of punishment of offenders. Now we have habitual offenders, and abettors of offences against forest law or rules just as much as we have habitual dacoits, house-breakers, and gang-robbers; and, although, the maximum punishment prescribed is more than adequate for a first or even second offence, I do not consider it sufficient in the case of an habitual depredator or his abettor, most of whom trade, first, on the comparatively small

chance of detection, and, second, in the chance of being able to bribe the forest peon or subordinate by whom they may be detected; a fine is paid by the abettor who makes it good by degrees from the actual offender, and the chances of detection are so small if we consider the area to be guarded and the paucity of our forest establishments that, we shall always find men ready to run the risk, unless the punishment on conviction, and still more on repeated conviction, be severe and not commutable into a money-payment. What we require is that a forest theft should be treated in the same way as any other theft, no more and no less.

The powers of forest officers under this head require, I think, definition, and in some cases extension. If the term forest officer is meant to include forest peons as police officer includes Police Constables, I do not think that they should be allowed to arrest without warrant, except under special and carefully-considered conditions. The condition laid down in Section 66 that the offender should be taken or sent before a Magistrate "*without unnecessary* delay" is too vague, and admits of too broad a construction. On this point, it would appear necessary to decide whether the Forest Department are to be their own Police or not; if so, detailed rules for the procedure of each grade will be necessary, if not all offenders should be handed over to the nearest Police Station and dealt with according to the rules in force for that department.

I am strongly of opinion that we should and must be our own Police, and would consider every forest peon as a Forest Policeman or Constable, Sub-Overseers, Maistries, or Duffadars in charge of the forests of a taluq or part of a taluq, as station officers. Overseers as Inspectors, and district forest officers as Superintendents or Assistant Superintendents; the Conservator and his Deputies being inspecting officers only.

The procedure in cases of forest theft, mischief, or trespass could then be made analogous with that in force in the Police Department, and prescribed by the Code of Criminal Procedure. One great advantage of this course would be that the subordinate magistracy would be obliged to take up and inquire into forest cases without the delay which now almost invariably occurs, of which I have had repeated occasion to complain; in fact, they would be placed on the file, and disposed of in the same way as ordinary police cases which is not now the case, the tendency being to view them as ordinary complaints or revenue reports.

The Conservator of Forests, his Deputies, and district forest officers, when qualified, should I consider, be invested with magisterial powers with the provisos prescribed in the Police Act, Sections 5 and 6. In the case of the Conservator and his Deputies, the powers would be purely nominal, and in that of district forest officers need only be conferred or exercised when occasion required.

Forest officers above the rank of Overseer should also be empowered to hold preliminary inquiries, for which purpose they should be empowered to summon witnesses and parties concerned (under Act No. III. of 1869), to institute proceedings, and, when employed on demarcation, be invested with certain powers as prescribed by Act No. XXVIII. of 1860.

I do not wish to claim for the forest officer powers in excess of those of other departments merely to give him a certain and well-defined position which is now sadly wanting. The power of confiscation of timber arrested in accordance with the provisions of the Bill should rest with the district forest officer, an appeal in all cases lying to the Civil Court. There are many cases in which it is neither necessary nor desirable to prosecute before a Magistrate, although a breach of forest law has been committed; and if we make the district forest officer responsible for his actions, we must also give him power to act on his own responsibility when he considers it advisable.

3. In conclusion, I would point out that none of these suggestions are antagonistic to the scheme proposed by the Board (Proceedings, No. 353, dated 18th January 1870) for the re-organisation of the department, as they can be applied and are equally necessary under whatever organisation the department may continue to exist, the sole difference being that of nomenclature

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17th September 1875.

No. 139. Proceedings of the Board of Revenue, dated 5th August 1871, No. 3,284.

Read the following Replies of Collectors to the Board's Proceedings, dated 21st March 1871, No. 1,224.

From Acting Collector of		Ganjam,	dated	31st May	1871,	No. 598.
„	„	Vizagapatam,	„	8th April	„	„ 337.
„	„	Godavery,	„	23rd May	„	„ 183.
„ Officiating	„	Kistna,	„	28th April	„	„ 1,268.
„	„	Nellore,	„	29th May	„	„ 981.
„ Acting	„	Bellary,	„	4th July	„	„ 265.
„	„	Cuddapah,	„	26th May	„	„ 111.
„	„	Kurnool,	„	27th „	„	„ 177.
„ Acting	„	Chingleput	„	14th June	„	„ 258.
„	„	North Arcot,	„	19th May	„	„ 285.
„	„	South Arcot,	„	25th „	„	„ 159.
„ Officiating	„	Tanjore,	„	15th June	„	„ 185.
„ Acting	„	Trichinopoly,	„	20th May	„	„ 145.
„	„	Madura,	„	27th April	„	„ 115.
„	„	Tinnevelly,	„	18th „	„	„ 160.
„	„	Coimbatore,	„	8th „	„	„ 103.
„ Commissioner of Nilgiris			„	14th „	„	„ 34.
„ Collector of Salem, dated 17th June 1871, No. 3,007.						
„ Acting Collector of South Canara, dated 29th April 1871, No. 554.						

These reports will be submitted to Government, with reference to G. O., dated 12th December 1870, No. 2,007. Most of the Collectors object to the Forest Bill as being too stringent, as ignoring the position of Collectors, or as being unsuited to the circumstances of this Presidency. An abstract, which shows the general character of the reports, is given in Appendix A. Such of the Collectors' criticisms on the several sections of the Bill as seem likely to be useful are embodied with the Board's remarks in Appendix B.

2. The Forest Bill now under discussion is almost the same as that which formed the subject of Board's Proceedings, dated 18th January 1870, No. 353. The Board then objected to the Bill as unsuited to the circumstances of this Presidency, and urged that Collectors of districts should be made the Conservators of their forests, and that the duties of the chief forest officer should be confined to inspection and advice.

3. Further reflection has confirmed the Board in these views, but they now see more clearly than they did then the necessity of rejecting the Bill *in toto*.

First, because its principle, scope, and purpose are inconsistent with the existing facts of forest property and its history.

Second, because, even if the Bill were consistent with facts, its provisions are too arbitrary, setting the laws of property at open defiance, and leaving the determination of the forest rights of the people to a department which, in this Presidency at all events, has always shown itself eager to destroy all forest rights but those of Government.

Third, because a Forest Bill, which aims at the regulation of local usages, ought to be framed, discussed, and passed by the local Legislature.

the law should be framed and discussed where the people and the officers who know their rights and wishes can be heard. The case is precisely one of those in which the knowledge and power of a local legislature can be most usefully taken advantage of. If the Bill is left to the local Government much of the forest Code may be embodied in the law, and less will be left to changing rules.

12. The Board are strongly of opinion that any Forest Act for this Presidency, —and they admit that common rights being wasteful things are proper subjects for legislation,—should be framed, discussed, and passed by the local Legislative Council.

13. The Government must first catalogue the forests within its geographical limits, and ascertain from Collectors what use of each of them the people are now making, or had been making, from time immemorial before the Forest Department was created. It will thus be seen with what the legislature has to deal.

14. The Conservator must next be consulted as to what measures of conservancy he considers to be required. He has already made many proposals on this subject, and they consist, for the most part, in restraining and extinguishing popular rights or denying their existence; but he might reconsider the subject after the Collectors' reports on forest rights have been received. He should further be required to advise as to whether any regulations should be imposed on Zemindars, Jenmis, and other private proprietors, who own forests.

15. The Government will then be in a position to draft a Forest Bill, and it must be based on the concession that in the forests in which there are communal or tribal rights the people are co-proprietors with Government. All instances of the use of forests by the people should be taken as presumptive evidence of *property* therein.

16. Conservancy will consist, for the most part, in the regulation of these forest rights, and as Collectors by their position and duties are familiarised with them, they must be made the Conservators of their forests. Forest officers with special knowledge will be required, but they must act under the Collector's orders. An Inspecting Officer will be wanted to decide questions of forest management and secure uniform conservancy. The chief forest officer should perform this duty; but he should issue all his directions with regard to ordinary forests through the Collector. Where there is a Government plantation, as at Nellumboor, and where (if anywhere) there is a primeval forest, with no tribal or communal servitudes, of which Government is the sole proprietor, the chief forest officer should have immediate control and Collectors need not intervene.

17. Propositions for the commutation and regulation of forest rights should emanate from Collectors in communication with the people, and this communication may be readily effected through the machinery of the Local Fund Boards.

18. When (if ever) it is necessary to appropriate any portion of a private forests, or to extinguish any tribal or communal right, it must be done by the Collectors and the Civil Courts with the procedure which has been stereotyped for measures of this description by the Land Acquisition Act X. of 1870.

(A true Extract.)

(Signed) J. GROSE,
Acting Secretary.

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17th September 1875.

APPENDIX A.

Abstract of Collectors' Reports on the Forest Bill.

GANJAM.—The Collector refers to reports by former Collectors showing that the Act would affect the poorer classes severely.

2. VIZAGAPATAM.—The Collector observes that the rights of village communities are tampered with in the Bill, that compensation is improperly refused in cases where it ought to be granted, that forest officers are vested with judicial powers in matters in which they are interested parties, and that their Police powers are too great.

3. GODAVERY.—The Collector, having no forests in his district, gives no opinion.

4. KISTNA.—The Collector observes that most of the powers granted by the Bill seem to be already exercised. He has no forests in his district.

5. NELLORE.—The Collector thinks the Bill admirable, and welcomes it as likely to put an end to the illegality of the operations of the Forest Department. In his district, the Bill is less needed than elsewhere, for conservancy has been in the hands of the Revenue Department and extensive reserves have been demarcated with due regard for communal rights.

6. CUDDAPAH.—The Collector believes that there are no forests in his district which are absolute State property, or which belong to private proprietors. In a few cases, forests have already been demarcated. In most plenty of jungle has been left to the villagers, and they have acquiesced. In some money-compensation has been given to individuals. In the regulation of forest rights the local Revenue-officer should act, because forest officers have "obviously a bias which would lead them to look with disfavor on anything tending to hinder the working of their special department." He thinks it necessary that there should be rules having the force of law, but believes that the Police powers given to forest officers are too great. He dwells on the expediency of closely conserving small portions of forest instead of attempting to conserve large tracts.

7. BELLARY.—In this district there are no forests, and the Collector gives no opinion, but the Native Deputy Collector, in spite of defective English, faithfully represents native opinion on the Bill, and deserves special attention on that account. He points out that the definition of "Forest" includes even *Bellary* where there are no forests, and the scanty jungles are the common property of the people enjoyed from time immemorial; and he shows how arbitrarily and harshly the Bill will interfere with the privileges and even the livelihood of the classes which should be dealt with most tenderly because they are the most helpless.

8. KURNOOL.—Mr. Chase objects, in the first place, to the definition of forest which includes scrub jungles near villages, and even the villages themselves, so that the enforcement of the Forest Rules by forest subordinates would be oppressive in the extreme.

He points out that all forests are subject to tribal and communal rights which will be as necessary for future generations as the present, and cannot, therefore, be commuted or extinguished. These rights are difficult to define, and it will be unjust for Government to wait for a headman to assert them instead of instituting an inquiry itself. The closing of forest pasturage would discourage the breeding of cattle, and the imposition of a pasturage tax would impede the extension of cultivation. The value of landed property will be seriously affected directly the alienation of forest rights is hindered. The quantity of wood which ryots are entitled to, and the number of cattle they have a right to pasture in the jungles, cannot be defined. They vary from time to time, and the ryots are always entitled to all they want.

There is no mention of the hill tribes in the Bill, though their forest rights are very extensive. Forests cannot be closed against them.

The power of closing forests, which can be done under Section 24 without compensation, will be severely felt. "If, for instance, the portion of Nallamala between the Nundekanama Pass and Mantralakanama Pass were closed, the people of Nundial and other villages who chiefly cultivate wet lands (and this cultivation may increase under the new irrigation canal) will have to go some 30 or 40 miles for leaves for manure and for pasture lands for their cattle, and a great hard-

ship will be inflicted by Section 26 on hundreds of helpless women whose only means of livelihood for several months of the year consists in gathering for sale jungle-produce * * *. During the famine of 1866 in the taluqs of Markapur and Cumbum and in parts of Nundial, Sirwell, and Nundikotkur, thousands of people lived on Boddikura (*Revea Hypocrateriformis*) and other herbs, and the hill-grass supplied food for cattle which suffered much from want of fodder. Inconvenience will also be felt by native doctors, most of whose medicines are found in the forests probably at the very season when the forests may be closed. When the forests are open inhabitants of other than the favored villages, and who may be the only ones who possess a knowledge of medicines, will not be able to collect forest-produce as they will have no forest rights; and those who have forest rights are prevented by Section 26 from selling the produce of the forests."

Fish and Game Laws are not fit subjects for rules.

The Forest Rules now in operation are sufficiently stringent, and Mr. Chase has never known a case in which the forest rights of pasturage, collecting produce, and shooting wild animals have been abused.

9. Chingleput.—There are no forests in this district, and the Collector gives no opinion.

10. North Arcot.—The Collector believes that there are no forests in the district which belong to Government, and deprecates any application of the Act to the jungles on the plains which are now conserved by the Revenue Department.

He objects to the consignment of the judicial inquiries regarding boundaries and communal forest rights (which exist in all forests) to the Forest Department who know nothing of them whatever, and thinks the Collector should deal with such questions.

As in Kurnool, it is pointed out that the denial of pasturage will check cultivation, and that forest rights belong to future generations as well as the present.

The Sections regarding Rules are shown to be too stringent, and attention is drawn to the questionable propriety of conserving fish by Forest Rules.

11. South Arcot.—The Collector admits the desirability of giving the local Government power to issue rules for the conservancy of forests, fish, and game, but thinks the local Legislative Council should be left to pass its own forest law.

12. Tanjore.—The Collector thinks the Bill admirable in most respects, but suggests that it should provide for its being extended to certain *parts* of the Presidency, if the Government do not think it right to extend it to the whole, and that Revenue-officers should be given a voice in the settlement of forest rights.

13. Trichinopoly.—In a previous report, dated from this district, the Collector of Tanjore points out that the control of streams, the establishment of pounds, and the conservancy of fish and game are not proper duties for forest officers.

14. Madura.—The Hon. D. Arbuthnott states that in the districts which he knows the right of the people to take any wood they required was never questioned or interrupted till the Forest Department was formed.

The Forest Department was organised in 1856 in consequence of reports that forests were decreasing. "No law was passed but rules were framed under the orders of Government. Under these orders no forest was accessible to the people, unless on licenses either paid for or free. The rules unfortunately fall most heavily on those who are at a distance from the forests, and who are not allowed even fire-wood without paying for a license, so that the unfortunates who have no forest within the limits of their village have not only to bear the cost of the carriage of fire-wood, but also to pay for their licenses, whilst those who have a forest at their doors escape both cost of carriage and of license. This inequality does not apply to fuel alone, but to every other article for which wood is required, such as ploughs, rafters for houses, &c. * * * *. The result of the proceedings of the Forest Conservancy Department is that they have made themselves universally hateful to the people. This is not the fault of the European officers, but of the system. There is one European officer in this district and two Overseers. The Duffadars and Peons are practically without any control whatever.

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Mr. Arbuthnott does not believe that harm has ever been done to forests by wanton felling and mischief or by fire, and he declares that the forests have not improved since the Conservancy Department began to manage them.

With regard to the details of the Bill, he observes that the word "grass" should be excluded in the definition of "forest," as otherwise it will include every acre of waste in the country; that boundaries should be demarcated under Act XXVIII. of 1860; that the commutation of forest rights is often impossible; that the fear that Part VIII. will be put in force will cause destruction of forests; that trammelling the trade in timber and imposing duties on foreign timber is suicidal if the State wishes to conserve its supplies; that drift timber in this Presidency is too trifling a matter to be legislated about; that fines should be authorised but not the confiscation of implements when timber is confiscated; and that smaller police powers should be given to forest officers.

15. Tinnevelly.—The Collector thinks that legislation is needed, and that the provisions of the Bill are good, especially where they relate to private forests. He remarks that hitherto the Forest Department have thought too much of revenue and too little of conservancy.

16. Coimbatore.—The Collector hopes that the Bill will promote conservancy without exciting discontent.

17. Nilgiris.—The Commissioner, Mr. Breeks, believes that the time has come for legislation, and that rights may be regulated with reference to area *but not extinguished*. He says: "In this district, on the slopes of the Hills, are to be found a few small settlements of two or three houses belonging to hill people who occupy small clearings, pasture their cattle in the forest, and live by an acre or two of cultivation and by the collection of jungle-produce. In like manner, along the foot of the Nilgiris, there are many hamlets of which the inhabitants have looked to the adjoining forest to provide them with food, with objects of barter and sale, and with pasture for their cattle. On the plateau of the Nilgiris there are numerous villages each with its flock and herd, which are driven into the forests on the slopes in the early months of the year when the sun, the frost, and the grass fires have destroyed their home grazing grounds * * *. I apprehend that these villagers enjoy customary forest rights which, from their very nature, cannot well be 'commuted' or 'extinguished.' Tribes who find the natural products of a forest sufficient for a livelihood are not easily induced to labor after a more civilised fashion for their bread. Beasts cannot be sustained without pasture, and the 'demarcation of forest lands and grazing grounds for the use of towns and villages' mentioned in paragraph 18 of Mr. Brandis's memorandum, will not be found so easy a task in portions of Southern India as on the continent of Europe. In several districts for three or four months of each year the agricultural stock of the inhabitants has literally to make a life and death struggle with hunger; and herds are driven surprising distances in some parts for the bare subsistence which is only to be had in forest tracts."

What is wanted is extensive planting, not extensive commutation of forest rights.

The regulation of rights when necessary must be effected by the Revenue, Survey, and Forest Departments in concert.

It is necessary that communal rights should be sought out; it would be unjust that tribes should be deprived of them, because, through ignorance or otherwise, their headmen did not come forward in time.

Mr. Breeks thinks that private forests should not be interfered with at all, or only by lease or purchase, that a State monopoly of forest-produce is objectionable, and that boundary disputes should be settled under Act XXVIII. of 1860.

He is strongly of opinion that the Collector should be Conservator of Forests within his district. He says: "It seems to me impossible that any officer, however zealous, belonging to another and an independent department can exercise influence over the people for conservancy and for planting purposes in the same degree that a Collector can. Give the forest officer a room in the cutcherry, let him discharge all his executive duties in the name of the Collector, and he will find his influence, his controlling power, and his ability to move about and accom-

plish, increased tenfold* * . The present Conservator might be called Inspector-General of Forests reporting direct to Government, and be quite independent of Collectors. The Inspector-General, freed from local prejudices by his elevated position, would make it his special duty to see that the several Forest Conservators carried out the orders of Government in the Forest Department, and would take care that the knowledge acquired in one district was made available for others."

18. SALEM.—The Collector objects to the prohibition of the transfer of forest rights in Section 26, and the refusal of compensation in Section 27. He suggests that the Collector should make the proposals for the regulation of forest rights, and that the Revenue Department, the people, and the Forest Department, should all be represented in the Forest Commissions.

He thinks that severe penalties should be imposed on communities as well as individuals failing to put out fires and detect offences, that the Rules should have the force of law, and that infractions of them should be punished with rigorous as well as simple imprisonment.

19. SOUTH CANARA.—Mr. Webster approves of the provisions of the Bill with regard to purely State and private forests.

The definition of forest is too wide. It includes cultivated land in jungles, and in South Canara almost all the estates, and especially those near the ghauts, are surrounded by jungle.

The Collector and not the Conservator should be the officer to settle boundary disputes and forest rights, and Revenue officials not forest officers should demarcate forests.

Forest rights should not be barred by the efflux of three years but by the time allowed by the Limitation Act. Many such rights have been interrupted by illegal Forest Rules and verbal orders of Conservators.

Rights of way through village forests ought not to be closed. Only one-third of a village forest should be closed at a time, and the period during which it is to be closed should be specified.

Sections 26 and 27 are unjust. "Forest rights in this district go with the cultivated estate and the one cannot be sold without the other. To empower a forest officer, therefore, to interfere with the free exercise of the proprietary rights of the people is utterly unjust. The provisions of the latter part of this Section" (26) "moreover render nugatory the confiscatory portion, for the enforcement of the first part will have the effect of driving the people to obtain by decrees of the Court in uncontested suits sanction for transfers which have hitherto been unrestricted.

Rules cannot be made for sales, mortgages, and leases. Rules for the protection and management of forests should only apply to demarcated forests. The clause referring to game is good.

It will be harsh to place drift fire-wood under Section 53. "I do not consider that in the face of the prescriptive right of the people to gather fire-wood for domestic purposes from any Government lands in their villages it would be just to forbid them from collecting drift fire-wood. Moreover, if this Section is passed into law as it stands, not only will means be afforded for petty extortion and abuse of authority, but the time of the Police and forest officers will be most uselessly taken up in arresting poor people for gathering a few sticks to cook their scanty meal."

Mr. Webster thinks the Police should not be called on to aid the forest officers in conservancy.

On the Section regarding forest fires, &c., he points out that if a penalty which will reach communities or individuals is laid down, it will be harsh, and if no such penalty is proposed it will be useless. In either case Section 57 should be expunged. "In this damp climate where vegetation is so luxurious, the firing of the old grass is indispensably necessary to ensure a supply of fresh grass for pasture. If this practice is restricted the pasture will suffer to say nothing of the health of the community being affected by a superabundance of noxious vegetation in the jungles."

In conclusion, Mr. Webster expresses his opinion that the Act, even if modified, is not required. "The wording seems to be unnecessarily long, probably occasioned by its being

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intended to apply to the whole of British India, and it does not appear to be very clearly drawn up. As far as my experience goes, all that is required is a short Act defining the different description of forests and providing for the demarcation and effectual conservancy of purely State forests, and for the conservancy subject to existing rights of village forests, and regulating the traffic of timber cut in private forests. I do not think it would be necessary to abolish any communal rights of the people; all that would be required would be the temporary closing of certain portions of village jungles to allow of planting operations being carried on."

20. MALABAR.—No report has been received, but nearly all the forests in Malabar are private property and interference is not required.

(Signed) J. GROSE,
Acting Secretary.

APPENDIX B.

Notes on the Draft Forest Bill.

Preamble.—The scope of the Bill would be more correctly indicated if "in British India" were substituted for the words from "and lands" to "other matters."

PART I., *Section* 3.—The Board object to this section altogether, because it implies that, if the Government of Madras think a Forest Law is required, they must accept this Act with its wide and unnecessary powers of confiscation and its numerous lengthy provisions with regard to matters which are of no importance in Southern India, instead of framing a law adapted to the peculiar circumstances of their own people.

The peculiarity of Southern India consists in the fact that in all or nearly all its forests, though the State may claim to be the proprietor, the State right is reduced to very narrow limits by numerous valuable and uncontestable communal rights, which may be regulated, but cannot, from their nature, be commuted or extinguished.

Moreover, it will probably be necessary to protect the tenants of Zemindars from their landlords, who have, in some cases, followed the example of the Forest Department, and are endeavouring to destroy all communal forest rights. This contingency is not contemplated in the Bill, which, indeed, aims everywhere at supplanting instead of supporting the rights of the people.

If these objections are not allowed, it will be well to give the Government of Madras power to extend the Act or any part of it to specified districts or portions of the Presidency.

Section 4.—It will be unjust to give the Forest Rules which have been made under Act VII. of 1865, or "been otherwise legalised" (whatever that may mean) the force of law. Most of them are admittedly illegal, and they destroy communal rights which the present Bill admits must be regulated, commuted, or extinguished only after fair compensation has been paid.

For instance, in the Forest Rules of this Presidency, which may be legalised under the Bill, though now illegal, there is one which forbids wood-cutters to cut fuel for sale except on payment, and by the permission of the Forest Department. This forest right, which gives a livelihood to large numbers of the poorest classes, was never challenged before the Forest Department was created by an administrative order in 1856. Again, these rules assume that all jungles, except those situated on land comprised within the estates of private individuals, are the property of Government. The Board believe that the people are everywhere co-proprietors of the forests, and there can be no possible doubt but what a large extent of forest in South Canara, which the Forest Department have claimed for the State, and managed with much harshness to the people, is absolute private property; the subject is a very difficult one, but the Conservator's rules, made in utter ignorance of the rights and titles of the people in South Canara and elsewhere will cut the Gordian knot when they become *law*.

The fact that many of the rules are illegal ought to be recognised, and the rights which they have injured ought to be restored. After that has once been done, new rules may be made under the new Act.

It is an obvious remark that when the Legislature is discussing the Bill it should have before it, and discuss thoroughly, and insert in the body of the Bill *all* the provisions which it intends to make law.

Section 6.—The definition of forest is so wide as to be no definition at all. It is a correct description of the whole of this Presidency, or of the whole of India, or of the whole of the world; but not of a woodland tract.

The provision that it shall include cultivated lands situated within the tract will place despotic power in the hands of the Forest Department. If any forests at all are to be demarcated those in the slopes of the Nilgiri Hills will be. They include settlements belonging to the hill people who occupy a small clearings, pasture their cattle in the forest, and live by an acre or tw- of cultivation and by the collection of jungle-produce. The Conservator, looking at the - -f from a departmental point of view, will wish to induce these villagers to migrate elsewh-e, and he can do so, for he can close any demarcated forest under Section 24, and when he has done so, the villagers will not be able to get pasturage in the forest, to collect jungle-produce, or even to cut and sell their scanty crops, for these, too, will be forest-produce according to the definition of "forest." The Conservator will also be able to harass the people by closing paths, and when all this has been done, and the starving people have to leave their homes, they will be refused compensation under Section 27.

It will probably be contended that, though any Conservator *might*, he would be too benevolent to do this, but, in the first place, the Board doubt the fact. No one can read the correspondence about Achaya's 500 acres in the Nullamala forest of Kurnool, and the injury which he has caused to forest revenues, without feeling sure that directly the Forest Department can oust him legally, they will be under an irresistible temptation to take advantage of their power. In the second place, it is no defence of a law which gives too great powers, that its framers believed those powers would be benevolently exercised.

The definition of the word "forest" might more properly be as follows:—The word "forest" shall mean any tract of country covered with trees and brushwood, and shall include waste land remote from villages and hamlets, but not cultivated land or village sites or other land which is private property.

To the *forest rights* enumerated in the clause should be added rights of way and of cultivation.

Government should be allowed to store Zemindari or communal timber which it intends to sell for the benefit of private proprietors in the *Government Timber Depôt*.

Part II., *Section* 7.—The Board believe it will be found that there are *no* forests in this Presidency in which the proprietary right of Government is unencumbered, as the original Bill expressed it, by communal or tribal rights.

In forests where the proprietary right of Government is limited by forest rights, the people are always co-proprietors, with a right dating from time immemorial to use and make a profit by timber, wood, and forest-produce.

A fourth class should be added to the three described in the section, *viz.*, private forests to which the provisions of the Act may be extended with the sanction of Government. The provisions of Part VIII. are all meant to apply to such forests, and the addition to clause 7 is necessary, because clause 8 of the original Bill has been omitted in the revised Bill, though the last clause of Section 42 has not been altered in accordance with the modification.

Section 8.—For reasons which appear *passim* in the Board's Proceedings and in the Collectors' reports, Collectors must be made Conservators of the forests within their districts, and the Special Forest Officers must be subordinate to them.

Section 9.—It follows that the Chief Forest Officer should be named Inspector-General, not Conservator of Forests, and that his duties should consist in the inspection of forests and their management. He should communicate directly with Government and the Board, but orders to forest subordinates acting under Collectors should be sent to them through the Collectors.

Part III., *Section* 11.—Directly a forest is demarcated forest rights are to cease to accrue (Section 18), and are not to be alienated except with the written consent of the Conservator (Section 26). Moreover, portions of the forest may be closed and paths may be stopped after

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notice has been publicly given, and no compensation is to be granted for rights so interfered with. It is clear, therefore, that the adjustment of rights must *precede* demarcation.

Section 12.—As Sections 11 and 12 stand, the State may demarcate as its property not only forests which are absolute State property, but forests which are qualified State property, and forests which are the property of communities, &c. It is only the first of these classes that can justly be demarcated as *State property*.

Forests in which communal rights exist must continue to be communal not State forests, and the profits of management must be shared by the people to whom the forests belong in part. It is absurd to direct that Government "*may* assign all or any of the produce of such forest for the use of village or other communities," *i.e.*, assign to them as a favor and a compensation what is their own by right.

The mention of forests of the first class in Section 12 seems to be unintentional. State forests are dealt with in Section 11.

Section 14.—This Section supplies an instance of the necessity of making Collectors Conservators of their forests. Collectors know the rights of the people, and it is their duty to protect them. The Forest Department are strangely ignorant of popular rights, and are prone to destroy them.

Sections 15 *to* 18.—The reference of boundary disputes to a Forest Commission is gratuitously novel and arbitrary. All the necessary powers and procedure are provided for by the Madras Boundaries Act XXVIII. of 1860.

The intention of the Bill to secure unrestricted powers to the Forest Department is shown in Section 17. Forest officers are to mark out disputed boundaries, and their record and map are to be conclusive evidence. The boundaries ought to be marked out as prescribed in Act XXVIII. of 1860, and disputes should be settled either by arbitration, in which case the decision will be final, or by the Settlement officer, in which case there will be an appeal to the Civil Courts. All the rules relating to demarcation and the maintenance of boundary marks, which, by the Bill, are to be made by the local Government, and "have the force of law" will thus be made unnecessary.

Section 38.

Part IV., *Sections* 18 *and* 26.—According to these sections as soon as Government notify the boundaries of a State or communal forest, no forest rights can accrue therein to any one, no existing right can be alienated or transferred, and no produce of the tract of country including, as it may do, cultivated lands can be sold to outsiders.

It is abundantly shown in the Collector's reports and in the Proceedings of the Board that forest rights by their very nature go with the land, and these sections will ruin the - - e of landed property in the vicinity of the forest, and prevent the extension of cultivation.

It follows that if these provisions are to stand at all, they should only take effect after the demarcation, and that forest rights should be investigated and adjusted after the notification of boundaries and before the final demarcation, but the Board are strongly of opinion that they cannot justly be applied to communal forests, *i.e.*, forests of the 2nd and 3rd classes in any case.

These Sections irresistibly remind the reader of the Forest Laws of William the Conqueror and the destruction of whole villages when the new forest was "afforested."

Section 19.—The circuit within which the notification of boundary rights is to be published was made ten miles in the original Bill. Now it is restricted to five. If it is supposed that rights in a forest are not held and exercised by people at a greater distance from it, the supposition is a grave error.

Where the villagers who hold the forest rights are enlightened and courageous, it may be safe to leave them to assert their rights themselves, but this is seldom the case. The rights of ignorant hill tribes and wretched wood-cutters must be inquired after and sought out; otherwise, a cruel advantage will be taken of their defenceless state. It must be remembered that it is extremely difficult to define and clothe in words the vague but important rights which the people everywhere possess in jungles and forests.

It will be dangerous to let the headman monopolise the negotiation, for this will place the other villagers at his mercy.

Claims to forest rights must be dealt with by the Collector, not by the Chief Forest Officer.

Section 20.—There is nothing in the nature of a forest right to exempt it from the protection afforded to it by the Limitation Act, and it is harsh and arbitrary to declare that this description of easement only shall be held not to exist unless it is exercised at the time the boundaries of the forest are notified.

In many places rights of this description have been interrupted for the last few years by illegal action on the part of the Forest Department. In other places, the Forest Department have illegally acquired for Government rights which it did not previously possess.

Section 21.—It is the Collector and not the Chief Forest Officer who must deal with claims to forest rights.

The section provides that if a right is claimed and not admitted the dispute shall be referred to a Forest Commission.

There is no need to establish a Special Court for such a matter as this. It may be left to the decision of the Collector, with an appeal to the Board of Revenue.

Section 22.—If the legislature determine that the Chief Forest Officer shall decide these questions, it will be well to provide that the claimants shall sign the record of agreement as well as the Conservator.

Section 23.—The Board have already expressed an opinion that these demarcated forests should be forests which are absolute State property only. It would be a great injustice to close rights of way through communal forests.

At all events this closing of paths ought never to be done till the communal rights have been investigated.

It will be impossible to close any forest-paths against the hill tribes.

Section 24.—Here again it must be observed that closing any portion of a communal forest without granting compensation would be a measure of great injustice.

If parts of communal forests are to be closed, the portion and the period during which they are to be closed should be limited by law. In the original Bill the portion was limited to one-third.

Section 25.—This absolute prohibition of forest rights is unnecessary, and will be severely felt unless the extent of closed forest is very small.

Section 26.—The Board have already remarked on the repulsive harshness of this section.

Mr. Brandis shows no acquaintance with the forests of this Presidency when he says that the extent of the interference of this and the two preceding sections will be *small*, and that it does not *appear* incompatible with a due regard for customary rights. He simply expounds the intention of Parts IV. and V. of the Bill when he *hopes* what the Board think a terrible evil, *viz.*, that under the provisions of the Bill it will be possible "to free most forest of customary forest rights." The wide significance of this expression can only be estimated when it is read in connection with the definition of "forest" in Section 6.

If one part of the section is more improper than another, it is that which forbids the sale of forest-produce to outsiders.

Section 27.—It is admitted that rights are to be injured and yet it is provided that no compensation shall be given, because, as it appears from Mr. Brandis's Memorandum, the claims would be numerous and petty, and the forest property (which he hopes will be freed from customary rights) will be improved. It is impossible to conceive that this reasoning can be accepted or the section allowed to stand.

Many of the Collectors speak of this section with surprise and something very like consternation.

Part V., *Section* 28.—The first thing to be noticed is that in this Presidency at all events forest rights can never be commuted and seldom extinguished. Rights to cut fuel and timber for

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sale and use, to collect forest-produce and to pasture cattle are rights which belong to *communities*, and not merely to the present members of them, so that a money-payment in compensation is out of the question. As the people have rights in all forests, Government cannot give rights in one forest in exchange for rights in another. No reduction in taxes would compensate for deprivation of pasturage.

Section 29.—It is impossible to define the quantity of timber and wood which must be given to villagers or the number of head of cattle for which they are entitled to pasturage. Their right has always been a right too *as much as they want*, and wants vary.

Section 30.—It is the Collector and not the Chief Forest Officer who should submit proposals for regulating rights.

The parties assenting to the compromise as well as the settling officer should sign the record.

Section 32.—If rights are simply to be regulated without being destroyed, the Collector should pass the necessary orders subject to an appeal to the Board.

If a right is to be extinguished it should be effected with the procedure of the Land Acquisition Act X. of 1870. The principles on which the property of individuals may be appropriated for the public benefit, as deliberately fixed by the Legislature are embodied in this Act, and they should not be departed from. Commutation is impossible.

In no case will it be desirable to have a strange Court outside the pale of the law and called a Forest Commission.

It should be provided that in all cases the expenses of the proceedings (batta to witnesses, &c.,) shall be paid by Government.

Part VI.—The Board think that the whole of this part should be omitted. They have already shown that Forest Commissions are not required in the case of boundary disputes, of determining rights and of "regulating, commuting, and extinguishing" rights. The appropriation of private forests will be dealt with hereafter, and it will be shown that a Forest Commission is not wanted for that purpose. If, however, the Legislature determine on having a Commission it should be laid down that the Revenue Department, the Survey Department, and the Forest Department are each to supply a member.

Part VII., *Section* 38, Clause 1.—If the boundaries are demarcated under the Boundaries Act, there will be no need for rules on the subject.

The sale, mortgage, and lease of forests are subjects of the common law, and ought not to be governed by mere rules.

Clause 2.—It is obvious that rules under this clause can only apply to State forests, and even there they will not bind the hill tribes, nor is it desirable that they should do so, for they would deprive such tribes of their chief means of livelihood.

Clause 4.—Fish and Game laws ought not to be framed by means of Forest Rules.

Section 40.—The Board protest against giving Forest Rules framed by the executive the force of law. The meaning of this is simply that the publication of a rule shall make legal what otherwise would be illegal. For instance, if Government make it a rule that such and such forests are to be treated as absolute State property (and they may do so thinking their title a good one) it will become law that those forests are State property whether they are justly so or not.

Part VIII., *Section* 41.—The last clause assumes that Section 8 of the original Bill is retained, whereas it has been taken out of the Bill.

The Board do not see why compensation is refused in this case. It is a matter of principle that compensation should always be given when the rights of an individual have to be restricted for the benefit of the public. The amount of the compensation should be determined under Act X. of 1870.

Section 45.—It is the Collector and not the Chief Forest Officer who should determine the compensation to be offered.

Section 46.– As pointed out in the notes on Section 32, commutation of rights is impossible and if the rights are to be extinguished it should be done with the procedure of Act X. of 1870.

If possession is not taken, Government should bear all the expenses of the inquiry.

PART IX., *Section* 47.—The obstruction of streams against floating timber is not a matter of any importance in this Presidency. If customary dams used for irrigation are removed, heavy compensation must be paid.

Section 48.—It is admitted that the great object of forest conservancy ought to be the conservancy of supplies of timber and wood, and the imposition of a duty on foreign wood, or any restriction on the trade in it will tend to keep it out of the country and force Government to cut down more of their own supplies.

In some cases, as in that of Travancore, it would be a violation of treaty rights to impose a duty on timber.

In any case, the matter is one for a Customs law, and not for a Forest law.

Section 49.—These restrictions on the trade in timber and the practical creation of a monopoly of the trade will revive the worst evils of the transit duties, and the hardship caused to the possessors of private forests like the Jenmies of Malabar will be terrible. The Board trust the section will be altogether omitted.

For the reasons which have been detailed above, rules under this section, if it is allowed to stand, should not have the force of law.

Section 50.—This provision is useless, and should be omitted. In any case, fees should not be levied for registering property marks, when both marks and registry are designed to hamper individuals in order to benefit the treasury.

Section 51.—This section should be omitted. There is nothing in the nature of timber to make it necessary for Government to supersede the law in protecting private property.

Section 52.—Any one saving wood must have a lien on it till salvage is paid. The effect of the section, as it stands, will inevitably be that the salvage money will stop with the forest peons.

Section 53.—This section is not needed in this Presidency, and, where it is needed, it should not be applicable to fire-wood. It is out of the question that the gathering of sticks by a river side should be made a penal offence.

The provision that drift-wood shall belong to Government if unclaimed within three months is a piece of simple confiscation. In the case of drift timber as of other waifs and strays the village Magistrate should take charge of the property and report to the Tahsildar in ordinary course.

Section 54.—The question of property in drift timber should be decided, in the first instance, by an officer of the Revenue Department. Officers of the Forest Department are interested parties, for their position and prospects improve or deteriorate with the Forest Revenue.

Section 55.—This is unnecessary and useless for this Presidency, and the Board cannot see the necessity of a Special Court anywhere.

PART X., *Section* 57.—This section is useless unless communities as well as individuals can be punished when they transgress it, and if so compulsory labor is required which will not be paid for. The evil of forest fires in this Presidency is probably small. There are annual fires in almost every forest, and no conspicuous damage seems to be done to them but rather the contrary.

Section 59.—Forest pounds like all other pounds must be estal lished under Act I. of 1871. There is no reason that the Board can see for making them the subject of a section of a Forest Bill.

PART XI., *Section* 60.—The graver offences should be defined in the body of the law and specific penalties should be provided for them.

Rules should only be made for administrative details and the infringement of them ought not to be punished with more than a fine of Rupees 50, or 15 days' imprisonment of either description.

Section 63.—The word "local" should be inserted before "Gazette."

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Section 64.—The power of arrest without warrant for breaches of Forest Rules is too great a power to give to Forest Peons. They should be allowed to arrest only when the offender refuses to give his name and address, or when there is reason to believe that he has given a false name or address. It must be remembered that the possessors of the powers will be ignorant and ill-paid peons tempted to extortion by their distance from supervision.

Section 65.—This should be altered accordingly. The Magistrate should be empowered to summon on charges laid by forest officers.

Section 66.—For "forest," "demarcated forest" should be inserted.

Section 67.—It is no reason why a Magistrate should have the extraordinary power of adjudicating, *in the absence of the accused*, that the ownership *of timber* is involved.

Section 73.—The limit of time ought to be six months not three, "as," to quote Mr. Brandis, "the forests in most provinces are scattered over a wide extent of country, and are frequently all but inaccessible during a great part of the year."

(Signed) J. GROSE,
Acting Secretary.

No. 140. Despatch from the Right Honorable the Secretary of State for India.

Revenue—Forests,

INDIA OFFICE, LONDON,

No. 9. *26th October* 1871.

MY LORD,—I have considered in Council the despatch from your Excellency in Council, numbered 4, Miscellaneous—Forests, and dated the 9th of May, which transmits the Forest Report of your Presidency for 1869-70, with your observations upon it.

2. The late period at which this Report,—in many respects an important one,—was received is highly inconvenient. I observe that it bears date the 1st of June in last year, but it was detained by your Government until the 9th of the following May. This delay,—at all times an inconvenience,—was specially objectionable on the present occasion, when the information was much wanted for the Committee of the House of Commons on Indian Finance. I have to urge upon your Excellency in Council the earlier transmission of these reports in future.

3. The report of Major Beddome and the reports of the several officers in charge of forests attached contain an account, in great detail, of the proceedings in the several districts, and likewise deal with matters affecting the general principles of forest administration.

4. The financial results show a net profit of 20,909*l.*, with stock in hand valued at 44,090*l.*, less by 11,813*l.* than what was in hand at the close of the previous year. Major Beddome contends that this should not be deducted from the profit of the year; but this cannot be admitted as a sound principle, since the stock sold was obtained in the previous year, and the cost of obtaining it charged against that year, and the surplus has only been gained by the diminution of so much valuable property belonging to Government. The other reason adduced by Major Beddome, the incorrectness of the valuations, must

	1868-69.	1869-70.
	£	£
Revenue	39,117	49,578
Charges...	26,970	28,669
	12,147	20,909
		11,813
		£9,096

	Value of Stock.
	£
1868-69	55,903
1869-70	44,090
	£11,813

be remedied by making them correctly in future. This deduction reduces the actual profit of the year to 9,096*l.* Comparing, however, the cash transactions of this year with 1868-69, the charges had increased by 1,699*l.*, and the revenue by 10,461, showing an improvement in the cash transactions of 1869-70 of 8,762*l.* Your order gives an abstract of the quantity of material drawn out of the forests by these operations, and I agree with your Excellency in Council that these results testify favorably to the work of the department. An analysis of the statement on page 42 of the Report shows that in six of the divisions given the expenditure had exceeded the revenue; but the transactions of the first are new and insignificant; those in the third, fourth, and sixth relate chiefly to plantations; and in Wynaad there had been a considerable increase of profit from 1868-69, although the confidence of the merchants was said to be still impaired by Mr. Turnbull's frauds. In Madura, the assigned causes for the loss are more serious,—"the poverty of the forests," and "the paucity and want of organisation of establishments." There had, however, been expenditure of an extraordinary kind, and the credit side had been reduced by the stoppage of felling and by extensive free grants of timber to ryots and villages.

	Charges. £
1869-70	28,669
1868-69	26,970
	£1,699

	Revenue. £
1869-70	49,578
1868-69	39,117
	10,461
	1,699
	£8,762

1. Golcondah.
2. Madura.
3. Nilgiries.
4. Wellington Plantations.
5. Wynaad.
6. Nellumboor.

5. It is satisfactory to perceive that considerable progress has been made, and is being carried on in the formation of plantations and fuel reserves of various kinds. These are not only in themselves interesting experiments, but most important to the well-being of the country, as a means of keeping up the supply of timber and firewood, the demand for which has increased enormously, and is not likely to be diminished.

6. But whilst I give credit to the Administration on these grounds, it is evident, from the documents before me, that much more might be made out of the fine forests of your Presidency; and that of late years sound principles of conservancy have not made the progress which they should have done from the earlier start which they had here over the rest of India. The establishments are clearly not large enough for the increased duties devolving upon them in their several charges, and this weakness has been augmented by the unfortunate illness of several of the most energetic and able officers in charge of districts. Captain Gosling, Lieutenant Walker, and Mr. Cadell, have all been driven home by ill-health. Moreover, questions affecting the definition of the rights of the Government and those of zemindars and ryots, whether to timber and fuel or to the minor forest-produce, are still unsettled; no progress has been made towards any legislative enactment, and there is an evident want of the cordial support which might be given by the Revenue-officers to those of the Forest

Proceedings of the Madras Government, Revenue Department,
17th September 1875.

Department. This is a point which I regret to have to refer to again; as the effects of such a defect of cordiality in the cession of forest lands were noticed with regret by my predecessor and myself in the despatches, dated, respectively, the 23rd July 1868, No. 9, and the 11th February 1869, No. 1. It is not possible that such want of co-operation should not be observed and taken advantage of, and that it should not greatly increase the difficulties of the forest officers. Of course, this want of cordiality is chiefly displayed by the Native subordinate officers, but Collectors should be warned to watch for and repress any such feelings in their establishments.

7. Your Excellency in Council has noticed another most important evidence of this want of progress in conservancy in the very small extent of forests which is worked departmentally; and I entirely approve your instructions to the Conservator and his Deputies, not to intermit their efforts to put a speedy end to the license and voucher system which, you justly observe, is fraught with facilities for fraud and oppression. But the chief remedy for all these difficulties in the way of sound conservancy will probably be found in the demarcation of forests, and the introduction of an Act conferring the necessary legislative powers. Without the former of these steps, the Government property can with difficulty be protected, and the difficulties in the way of permanent conservancy are greatly increased. It is a step in the right direction to obtain, wherever possible, the management of private forests. This has been done in some instances, I observe, and is to be done whenever forests fall under the Court of Wards.

8. In my despatch of the 17th of March 1870, No. 4, I directed attention to the question of the preservation and collection of the minor produce of the forests, and these papers impress me still more with its importance, and the necessity of its being carefully considered by your Excellency in Council. Major Beddome's remarks go to show that the present system confers no real benefit on the hill tribes, while valuable produce is wasted, and the Government loses annually very large sums of money to which it has a legitimate right. The system, too, must, as represented by the forest officers, be destructive of conservancy. It is, as Major Beddome remarks, an anomaly to talk of reserved forests, if any one can enter into them to collect what they call hill-produce. There is no desire, as it seems to me, on the part of the forest officers to deprive hillmen of their earnings in the way of collecting these valuable products. On the contrary, they desire to protect and employ them. By degrees, this intercourse would bring them to more civilised habits and methods of cultivation, a considerable revenue will be added to the Government resources, and such valuable products as cardamoms would be made the most of. With a cordial spirit of co-operation between the Revenue and Forest Officers, I see no reason alleged why these benefits should not be obtained, and the collection of these articles placed on a footing satisfactory to the Government and the people.

9. In a similar manner the rights of the Government and of private persons and communities might be arranged.

10. I observe that in two of the ablest reports of the subordinate officers, those of Captain Gosling and Lieutenant Walker, attention is called to the waste occasioned by rude methods of felling, and it is suggested that saw machinery might be intro-

duced with much advantage into the forests. This point has been also urged in this country by Captain Gosling, who, notwithstanding his severe illness, has inspected machinery of this kind. It is very creditable to him, to Lieutenant Walker, and to Mr. Cadell, that they should have employed a part of their furlough in studying matters connected with their profession, both in England on the Continent, according to the rules laid down for that purpose.

11. Mr. Cherry points out the want of shelter for the people employed in the Wynaad forests, and proposes the erection of forest huts. My predecessor, in his despatch of the 31st of August, No. 5 of 1867, informed your Government that it was "no less the duty than the interest of Government to take the best measures in their power for preserving the health of those who are exposed to the effects of unhealthy localities in the forests." One of the most effective means of doing this is by the provision of shelter. And expenditure on this object was commended in Sir Charles Wood's despatch* to the Government of India, dated 9th November 1861, No. 27.

* "Under the circumstances set forth by Captain Pearson, I consider that the condition of these forests, in a financial point of view, is satisfactory, and the appropriation of the surplus to the formation and improvement of the roads in the forest districts and also to the provision of shelter for the officers employed in these forests, is very proper."

12. I have considered, at more than usual length, the features of the documents before me, because important principles of conservancy are involved, and it is clear, from Major Beddome's remarks, that the department is not, in many ways, in a satisfactory position.

13. I rely on the continued exertions of your Excellency in Council to remedy these defects, and to assist the forest officers in their difficult task of administering the forests on a sound system of permanent conservancy.

I have, &c.,
(Signed) ARGYLL.

To His Excellency the Right Honorable
The Governor in Council, Fort St. George.

No. 141. From the Officiating Under-Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, (Forests,) to the Secretary to the Government of Madras, dated 19th February 1872, No. 247.

SUBJECT.—Calling attention to Public Works Department Circular, No. 20F, dated 20th November 1870, requesting an expression of opinion on the revised draft of the Forest Bill. No. 71, dated 25th July 1871.
Subsequent Reminders.
No. 246, dated 12th September 1871.
„ 728, „ 28th December „

I AM directed again to invite attention to the communication marginally noted, and to request that a reply may be expedited.

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No. 142. Proceedings of the Board of Revenue, dated 7th September 1874, No. 2,520, Forest No. 154.

Read the following Replies to Board's Proceedings, dated 29th May 1873, No. 897, regarding rights of ryots and the State to fuel and timber.

From the Collector of Ganjam,	dated	8th June	1874,	No.	1,379.
„ „ of Vizagapatam,	„	2nd October	1873,	„	B.
„ „ of the Godavery District,	„	23rd September	„	„	313.
„ „ of the Kistna District,	„	17th November	„	„	1,720.
„ „ of Nellore,	„	11th August	„	„	1,807.
„ „ of Bellary,	„	17th February	1874,	„	28.
„ „ of Cuddapah,	„	21st May	„	„	114.
„ „ of Kurnool,	„	6th November	1873,	„	370.
„ „ of Chingleput,	„	25th August	„	„	356.
„ „ of North Arcot,	„	16th September	„	„	585.
„ „ of South Arcot,	„	6th August	„	„	279.
„ „ of Tanjore,	„	21st February	1874,	„	44.
„ „ of Trichinopoly,	„	27th October	1873,	„	245.
„ „ of Madura,	„	29th September	„	„	310.
„ „ of Tinnevelly,	„	27th June	„	„	342.
„ „ of Coimbatore,	„	7th July	„	„	138.
„ Commissioner of the Nilgiris,	„	27th November	„	„	115.
„ Collector of Salem,	„	18th „	„	„	348.
„ „ of South Canara,	„	24th September	„	„	1,640.
„ „ of Malabar,	„	17th June	„	„	157.
„ Inspector of Forests,	„	20th „	„	„	1,807.

THESE reports will be submitted to Government, with reference to G. Os., dated 18th June 1873, No. 622, and 5th December 1873, No. 1,357.

2. In their Proceedings of the 29th May 1873, No. 897, in reviewing a report from Coimbatore, the Board expressed a strong opinion in favor of prohibiting the leasing of the right to collect seigniorage on fire-wood altogether, and of ceasing to levy seigniorage on villages surrounded entirely by forest, except when wood is carried out of the forest by the villagers. Before addressing Government on the subject, however, the Board called for reports from all Collectors as to how the rights of ryots and the State, with regard to fuel and timber, can best be reconciled, observing that "the claim of the State seems scarcely ever to be enforced without infringing on the privileges of the people, who, to save themselves from annoyance, are often forced to pay for passes which ought to be free or submit to an illegal tax."

3. Subsequently, in their Proceedings of the 3rd November 1873, No. 2,236, the Board drew a distinction between great forests and minor jungles, and stated that "the task before Collectors is to draw up descriptive lists of minor jungles, showing their area and position, and the distance of all villages within ten miles; and to prepare schemes allotting the jungles of their districts amongst the circumadjacent population."

4. These replies to the first Proceedings are satisfactory in one respect at all events, for they show that, as a general rule, the right of the State to seigniorage has

not been pressed so as to infringe on the privileges of the people. The danger in practice is all the other way, for the State loses much of the seigniorage to which it is entitled, and it is only in Coimbatore that the ryots suffer in consequence of the contract system of collecting seigniorage, which is in force nowhere else.

5. The replies are unanimous against the contract system (though Colonel Beddome was strongly in favor of it as regards minor forest-products) and the levy of seigniorage on fuel, &c., consumed in villages which are surrounded by jungle, and the Board have no doubt that these evils should be put a stop to at once and for ever.

6. Most of the Collectors seem to think that the present rules, especially with the additions now in force in some districts, which specify, on a liberal calculation, the amount of fuel and timber to which a ryot is entitled free of seigniorage, work well and need no alteration, but others make the following proposals:—

(1.) To abolish the tax on fire-wood altogether.

(2.) To abolish free felling altogether.

(3.) To demarcate jungles into reserved and unreserved tracts, and allow free felling only in the unreserved tracts.

(4.) To calculate the seigniorage due (if charged) on the quantity of fuel to which each putta-holder is entitled annually, free of seigniorage, deduct it from his putta, and then charge him seigniorage (like all others) when he fells the wood.

(5.) To allow felling to take place without any charge, whether the fellers are ryots or not, and whether the wood is wanted for domestic purposes or not (within specified limits) and charge seigniorage elsewhere, without distinction of persons.

(6.) To allow head-loads to go free, whatever purpose they may be intended for.

7. The only point in which the Board think the present practice can be improved, pending the enactment of a forest law, is by calling increased attention to the formation of reserves, wherever they can be formed, so as to leave sufficient jungle outside for the villagers. The elaborate catalogue, proposed in Board's Proceedings, dated 3rd November 1873, No. 2,236, would meet the difficulty completely, but it must be postponed until legislation has taken place.

8. The proposals to abolish the tax and to stop free felling cut the Gordian knot, and do not pretend to untie it. The arguments by which they are supported have often been used before, and need not be noticed here. The Collector of Coimbatore qualifies the proposal to abolish free felling by proposing to collect no seigniorage on wood used within the jungle and in villages situated within its circuit, and to levy tolls only on wood taken out of the jungle; but this would be impracticable in most parts of the Presidency, and would violate an accepted principle.

9. It would be inexpedient to allow free felling to all within sepecified limits, because this would be only a temporary makeshift, and the tracts thus allotted would be soon denuded. If head-loads are allowed to go free, a regular trade will spring up in head-loads to the exclusion of cart-loads and the detriment of the revenue. (Board's Proceedings, dated 23rd August 1871, No. 3,644, Appendix I).

10. The Collector of Tanjore will report, in greater detail, what is meant by his statement that in the Tanjore jungles villagers are permitted to gather wood free, but not to cut it with any instrument. This seems to limit the ryots' privileges,

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Proceedings of the Madras Government Revenue Department,
17th September 1875.

with regard to fuel in an unjustifiable way, and to abolish them altogether as regards wood for agricultural implements, &c.

(A true Extract.)

(Signed) J. GROSE,
Secretary.

No. 142A. MINUTE BY THE HON. W. ROBINSON, C.S.I.

I CAN add nothing to the exhaustive review of the proposed provisions of a general Forest Bill for all India and of the opinions of Collectors, which is contained in these Proceedings of the Board of Revenue. I was a party to them, and share their views on every point.

2. Premising that probably no measure of administration more closely affects the whole rural population—and, if inequitably or badly managed, is more likely to alienate their feelings and vex them—than the forestry of the country, I recognise the urgent necessity of early legislation, in order to protect the forests and woodlands of this Presidency; but more especially to establish and comfort the rights of the people and regulate and define the claims which Government are now disposed to prefer and enforce. I hold that the sound presumption of immemorial law in South India should be that the woodlands and waste within village-areas are communal; in practice, however, these rights are challenged and put on their defence by the local officers.

N.B.—In South India the village constitution is well marked and vital. The cultivated mark or area is held in severalty. The uncultivated and woodland area (so far as the ancient boundaries extend) is the communal property of the village community. It is village *property*, not village *privilege*. The State has, by immemorial right, a claim to share the produce of cultivated land (since commuted into a rent charge), but the State has no immemorial or common-law right to levy a tax—call it seigniorage or what we will—on communal village woodlands, and a law is needed to justify it. I believe our present action in this respect to be quite without the sanction of law and that under administrative rules framed *ex parte* by departmental officials, the gravest aggression on national rights has taken place. Under the direct sanction and stimulus of Government, a sounder policy is now perhaps influencing the administration, but for how long? Let the past of Canara *passim* foretell. It is for the protection of the people against administrative aggression that law is mainly needed.

24th October 1874. W. R.

3. I would at once constitute a well-selected Committee to frame a Forest Bill for this Presidency in the spirit of the Board's views, and on the basis of the recognition of that village system and its rights, which underlies the constitution of rural society and property in this country. Apart from this recognition, we cannot hope to carry the good-will of the people with us.

4. The Bill so framed might be submitted to the Government of India and Secretary of State, with request that it may be discussed and passed in the local Legislature, which, I believe, alone is competent to deal usefully with such a question.

5. I would require the Bill to deal under distinct chapters with the three classes of forests—

I. State forests and the acquisition of State forests when it is necessary to free certain tracts of existing rights and easements.

II. Communal forests and their administration for the benefit of the community having rights in them.

III. Proprietary forests, whether the property of zemindars or other corporate bodies (as temples, &c).

6. I would adopt, in general, the Prussian system which secures State intervention for the sound administration of *all* forests and prevention of waste—under equitable conditions as to the payment for inspection and improvement, and the appropriation of proceeds—and withal recognises private and communal rights and titles.

7. The powers and duties of the Forest Department should be carefully laid down and restricted, so as to give sufficient executive authority, while providing for the recognition of all useful rights and easements.

19th September 1874. (Signed) W. ROBINSON.

No. 142B. MINUTE BY HIS EXCELLENCY THE GOVERNOR.

IN continuation of my Minute of the 19th September 1874 in which I suggested the nomination of a Committee to frame a scheme of Forest Law, I submit that the Native element must be well represented in any Committee we may name.

2. The questions which are chiefly to be considered by such a Committee are not matters of professional forestry at all. These, indeed, will generally arise only when framing bye-laws and rules under the projected Law; and I earnestly deprecate measures which may tend to give a strong professional constitution to our Committee. I do so, because it is of great importance that those errors and incongruities which find place in the Bill (apparently emanating from professional quarters) discussed by the Board of Revenue in 1871, should be avoided; and because the confidence of the Native public (and eventually of the Legislature) should be thoroughly enlisted from the first by sufficient breadth being given to our Committee.

3. The Bill will have to deal with—

(1.) Fiscal considerations:—for forest operations as inaugurated and extended (since, say, 1860) have, as it seems to me, carried new, heavy, ill-regulated and vexatious taxation over the country and into every household—in respect to a source of revenue not hitherto taxed. And this has been done without, so far as I know, any clear sanction of either customary or statute law. The incidence and adjustment of this taxation clearly claims the consideration and aid of Native advisers, in order to make it, in any degree, more acceptable than it now is to the people.

The Bill will have to deal with—

(2.) Civil rights and considerations of a complicated character—not only as between the State and people, but as between different sections of the people—including the recognition and regulation and even the foreclosure of private and communal estates and rights. It will also have to deal with immemorial easements, privileges, &c., &c., of an entirely popular character. In short, it will have, to deal with considerations such as only Native advisers thoroughly understand, will not unwittingly disturb, and may be surely looked to to comfort.

Further there are—

(3.) Questions of the application of Criminal Law for the enforcement of Forest regulation:—and this must be arranged, in some degree, in accordance with the feelings of the country and intricate relations arising out of a variety of conditions.

(4.) And, finally, if, (as I hope, we may be able to do,) we are to extend Forest Laws and Conservancy to private and communal forests, woodlands, and waste, we import a host of questions and considerations into which Native feeling, opinion, and loyalty enter so largely, that I should despair of being able to prepare a project of law which might be expected to command sympathy and confidence, without Native advice and assistance in casting it from the very first.

4. I therefore recommend that a Member of the Board of Revenue, say, the Hon. D. Arbuthnott, and one or two Collectors be associated in the Committee, with an equal number of picked Native gentlemen of experience and public position, for the preparation of a Draft Forest Law. Captain C. Walker should be a member. His experience will prove most useful; and his acquaintance with what has been effected by legislation elsewhere, will give great value and weight to his advice. I do not see the advantage of having another forest officer on the Committee.

5. I think that the question of the proper forest Agency to be employed might be remitted to the Committee for consideration and discussion with great advantage. The more I see of the working of the present system—under which Collectors and Magistrates, and in their degree all their subordinates, are the Conservators of Forests in their respective districts—the more I feel that popular rights, &c., may be widely imperilled and occasionally sacrificed; and that perhaps a sound departmental administration is impeded by the system we are following.

6. Of this we have noteworthy instances on record. Forestry became the undue hobby of a late Collector of Canara, and his reckless disregard of rights and property might have justified popular resistance, and certainly would have evoked it had it been attempted some years

back: in Nellore, we have had an
communal waste and scrub without
be cancelled for transgression of
Officer) is a law unto himself in
a proposal to cover the district
(gallnut, &c.), and so on. There i
Coimbatore, &c., &c. But, on the
siderate protector and comforter
interested executive: has becor
maintain his place in the symp
to work a forest law with its ar
wholly incompatible with sound
confidence.

28th July 1875.

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rest farmers of village woodland
rable side of the picture in such districts
he proper judge and arbitrator—the con-
and privileges—has been converted into an
the character of the *garde champêtre* to
e people. And I fear that when we come
provisions, the combination may be found
tion and local conditions, and subversive of popular

(Signed) W. ROBINSON.

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No. 143. ORDER THEREON, 17th September 1875, No. 1,371.

Forests, No. 12.

IN their Proceedings of 3rd August 1871, No. 3,284, the Board of Revenue submitted a careful review of the proposed Forest Act for all India, drawn after reference to the Collectors, whose reports are appended to their Proceedings.

2. They condemned the Bill *in toto* as inconsistent with existing facts and history of forest property in this Presidency, and as too arbitrary; and they went on to show that the conditions of these forests vary so much in consequence of communal and tribal rights from those in other parts of India, and are so intimately connected in innumerable ways with the prosperity and even with the existence of the agricultural population that the question of legislation for them can only be satisfactorily undertaken by the local Legislature.

3. His Excellency the Governor in Council careful consideration of the subject, is satisfied that the view taken by the B venue on this point is sound, and that the Bill as proposed cannot, with due regard to the peculiar position of the subject in this Presidency, be here introduced.

4. At the same time, h is of opinion that special legislation is necessary rnment and to protect individuals and communities in , from time immemorial, enjoyed and in which, in to be feared they are too often molested.

shall deal separately with forests under the heads

tion and, where necessary, the acquisition

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...D. ARBUTHN...
...aptain C. WALKER, Acting ...
A. W. PEET, Esq., Deputy C...
A. J. STUART, Esq., Acting ...
C. STRI BALIAH, Acting Dep...
D. TIMMAPAH, Deputy Colle...
ADANKI NARAIN ROW, Depu...

, Board of Revenue, President.
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...h Arcot.

G. O., 4th July 1863, No. ...91.
,, 15th Oct. 1866, ,, ...09.
,, 20th May 1867, ,, 1,133.
,, 19th Aug. ,, ,, 1,935.
,, 3rd Oct. ,, ,, 2,322.
,, 22nd Feb. 1868, ,, 498.
G. O., 27th ...
,, 5th ...
,, 8th ... Oct.
,, 8th May ,, ,, 1,...
,, 27th ,, ,, 1,497.
To Home Government, 23nd June 1869, No. 5, Mis. Forests
To Government of India, 14th June 1869, No. 1,699.

G. O., 14th Oct. 1869, No. 2,795.
,, 20th Nov. ,, ,, 2,999.
,, 12th Dec. 1870, ,, 2,007.
G. O., 13th June 1873, No. 934.
,, 31st Oct. 1872, ,, 1,225.
Forest Report for 1865-66.

7. The papers noted in the margin will be communicated to the Committee.

8. Ordered that the following letter be addressed to the Government of India:—

(Signed) A. MACGREGOR,
Acting Secretary to Government.

No. 144. To the Secretary to the Government of India, Department of Revenue, Agriculture, and Commerce, dated Ootacamund, 17th September 1875, No. 1,372.

Forests, No. 13.

Letter from Secretary to Government of India, Public Works Department, dated 28th November 1870.
Letter from Government of India, Department of Revenue, Agriculture, and Commerce, dated 19th February 1872.

SIR,—I am directed to inform you, with reference to the subject of communications noted in the margin, that the Government of Madras, after full consideration, is forced to the conclution that the Draft Forest Bill, prepared by Dr. Brandis, is altogether unsuited to this Presidency and to the peculiar conditions of forest-property therein.

2. This Government ... is of opinion that the time has arrived when special legislation on the subject of forests should be no longer postponed, and, in view to the instruction of an Act into the local Legislative Council, where alone they consider that a subject so involved in local peculiarities can ... have nominated a mixed Committee of Revenue and ... certain Native gentleman of position and ability, ...

3. In the selection of a Committee they ... associating Revenue-officers of experience ... who districts, and whose position ... frequently ... question as regards the Presidency ... experience of Ir... present develop... France and Ge... in view the i...

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REVENUE DEPARTMENT.

MINUTE BY THE HON. W. ROBINSON, C.S.I.

I CAN add nothing to the exhaustive review of the proposed provisions of a general Forest Bill for all India and of the opinions of Collectors, which is contained in these Proceedings of the Board of Revenue. I was a party to them, and share their views on every point.

2. Premising that probably no measure of administration more closely affects the whole rural population—and, if inequitably or badly managed, is more likely to alienate their feelings and vex them—than the forestry of the country, I recognise the urgent necessity of early legislation, in order to protect the forests and woodlands of this Presidency; but more especially to establish and comfort the rights of the people and regulate and define the claims which Government are now disposed to prefer and enforce. I hold that the sound presumption of immemorial law in South India should be that the woodlands and waste within village-areas are communal; in practice, however, these rights are challenged and put on their defence by the local officers.

N.B.—In South India the village constitution is well marked and vital. The cultivated mark or area is held in severalty. The uncultivated and woodland area (so far as the ancient boundaries extend) is the communal property of the village community. It is village *property*, not village *privilege*. The State has, by immemorial right, a claim to share the produce of cultivated land (since commuted into a rent charge), but the State has no immemorial or common-law right to levy a tax—call it seigniorage or what we will—on communal village woodlands, and a law is needed to justify it. I believe our present action in this respect to be quite without the sanction of law and that under administrative rules framed *ex parte* by departmental officials, the gravest aggression on national rights has taken place. Under the direct sanction and stimulus of Government, a sounder policy is now perhaps influencing the administration, but for how long? Let the past of Canara *passim* foretell. It is for the protection of the people against administrative aggression that law is mainly needed.

24th October 1874. W. R.

3. I would at once constitute a well-selected Committee to frame a Forest Bill for this Presidency in the spirit of the Board's views, and on the basis of the recognition of that village system and its rights, which underlies the constitution of rural society and property in this country. Apart from this recognition, we cannot hope to carry the good-will of the people with us.

4. The Bill so framed might be submitted to the Government of India and Secretary of State, with request that it may be discussed and passed in the local Legislature, which, I believe, alone is competent to deal usefully with such a question.

5. I would require the Bill to deal under distinct chapters with the three classes of forests—

I. State forests and the acquisition of State forests when it is necessary to free certain tracts of existing rights and easements.

II. Communal forests and their administration for the benefit of the community having rights in them.

III. Proprietary forests, whether the property of zemindars or other corporate bodies (as temples, &c).

6. I would adopt, in general, the Prussian system which secures State intervention for the sound administration of *all* forests and prevention of waste—under equitable conditions as to the payment for inspection and improvement, and the appropriation of proceeds—and withal recognises private and communal rights and titles.

7. The powers and duties of the Forest Department should be carefully laid down and restricted, so as to give sufficient executive authority, while providing for the recognition of all useful rights and easements.

19th September 1874. (Signed) W. ROBINSON.

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REVENUE DEPARTMENT,

MINUTE BY HIS EXCELLENCY THE GOVERNOR.

IN continuation of my Minute of the 19th September 1874 in which I suggested the nomination of a Committee to frame a scheme of Forest Law, I submit that the Native element must be well represented in any Committee we may name.

2. The questions which are chiefly to be considered by such a Committee are not matters of professional forestry at all. These, indeed, will generally arise only when framing bye-laws and rules under the projected Law; and I earnestly deprecate measures which may tend to give a strong professional constitution to our Committee. I do so, because it is of great importance that those errors and incongruities which find place in the Bill (apparently emanating from professional quarters) discussed by the Board of Revenue in 1871, should be avoided; and because the confidence of the Native public (and eventually of the Legislature) should be thoroughly enlisted from the first by sufficient breadth being given to our Committee.

3. The Bill will have to deal with—

(1.) Fiscal considerations:—for forest operations as inaugurated and extended (since, say, 1860) have, as it seems to me, carried new, heavy, ill-regulated and vexatious taxation over the country and into every household—in respect to a source of revenue not hitherto taxed—and this has been done without, so far as I know, any clear sanction of either customary or statute law. The incidence and adjustment of this taxation clearly claims the consideration and aid of Native advisers, in order to make it, in any degree, more acceptable than it now is to the people.

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The Bill will have to deal with—

(2.) Civil rights and considerations of a complicated character—not only as between the State and people, but as between different sections of the people—including the recognition and regulation and even the foreclosure of private and communal estates and rights. It will also have to deal with immemorial easements, privileges, &c., &c., of an entirely popular character. In short, it will have, to deal with considerations such as only Native advisers thoroughly understand, will not unwittingly disturb, and may be surely looked to to comfort.

Further there are—

(3.) Questions of the application of Criminal Law for the enforcement of Forest regulation:—and this must be arranged, in some degree, in accordance with the feelings of the country and intricate relations arising out of a variety of conditions.

(4.) And, finally, if, (as I hope, we may be able to do,) we are to extend Forest Laws and Conservancy to private and communal forests, woodlands, and waste, we import a host of questions and considerations into which Native feeling, opinion, and loyalty enter so largely, that I should despair of being able to prepare a project of law which might be expected to command sympathy and confidence, without Native advice and assistance in casting it from the very first.

4. I therefore recommend that a Member of the Board of Revenue, say, the Hon. D. Arbuthnott, and one or two Collectors be associated in the Committee, with an equal number of picked Native gentlemen of experience and public position, for the preparation of a Draft Forest Law. Captain C. Walker should be a member. His experience will prove most useful; and his acquaintance with what has been effected by legislation elsewhere, will give great value and weight to his advice. I do not see the advantage of having another forest officer on the Committee.

5. I think that the question of the proper forest Agency to be employed might be remitted to the Committee for consideration and discussion with great advantage. The more I see of the working of the present system—under which Collectors and Magistrates, and in their degree all their subordinates, are the Conservators of Forests in their respective districts—the more I feel that popular rights, &c., may be widely imperilled and occasionally sacrificed; and that perhaps a sound departmental administration is impeded by the system we are following.

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6. Of this we have noteworthy instances on record. Forestry became the undue hobby of a late Collector of Canara, and his reckless disregard of rights and property might have justified popular resistance, and certainly would have evoked it had it been attempted some years back: in Nellore, we have had another Collector needlessly foreclosing thousands of acres of communal waste and scrub without right or authority; proceedings in North Arcot have had to be cancelled for transgression of popular rights: in Tinnevelly a Collector (and Settlement Officer) is a law unto himself in regard to foreclosure and restriction: from Salem comes a proposal to cover the district with hosts of forest farmers of village and woodland produce (gallnut, &c.), and so on. There is, of course, a favorable side of the picture in such districts as Coimbatore, &c., &c. But, on the whole, I feel that the proper judge and arbitrator—the considerate protector and comforter of the people's rights and privileges—has been converted into an interested executive: has become too much vested with the character of the *garde champêtre* to maintain his place in the sympathy and confidence of the people. And I fear that when we come to work a forest law with its arbitrations and stringent provisions, the combination may be found wholly incompatible with sound administration and legal conditions, and subversive of popular confidence.

28th July 1875.

(Signed) W. ROBINSON.

No. 3,284.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th August 1871.

Read the following Replies of Collectors to the Board's Proceedings, dated 21st March 1871, No. 1,224:—

From Acting Collector of Ganjam,		dated	31st	May	1871,	No. 598.
,, ,, ,,	Vizagapatam,	,,	8th	April	,,	,, 337.
,, ,,	Godavery,	,,	23rd	May	,,	,, 183.
,, Officiating ,,	Kistna,	,,	28th	April	,,	,, 1,268.
,, ,,	Nellore,	,,	29th	May	,,	,, 981.
,, Acting ,,	Bellary,	,,	4th	July	,,	,, 265.
,, ,,	Cuddapah,	,,	26th	May	,,	,, 111.
,, ,,	Kurnool,	,,	27th	,,	,,	,, 177.
,, Acting ,,	Chingleput	,,	14th	June	,,	,, 258.
,, ,,	North Arcot,	,,	19th	May	,,	,, 285.
,, ,,	South Arcot,	,,	25th	,,	,,	,, 159.
,, Officiating ,,	Tanjore,	,,	15th	June	,,	,, 185.
,, Acting ,,	Trichinopoly,	,,	20th	May	,,	,, 145.
,, ,,	Madura,	,,	27th	April	,,	,, 115.
,, ,,	Tinnevelly,	,,	18th	,,	,,	,, 160.
,, ,,	Coimbatore,	,,	8th	,,	,,	,, 103.
,, Commissioner of Neilgherries,		,,	14th	,,	,,	,, 34.

,, Collector of Salem, dated 17th June 1871, No. 3,007.

,, Acting Collector of South Canara, dated 29th April 1871, No. 554.

THESE reports will be submitted to Government, with reference to Government Order, dated 12th December 1870, No. 2,007. Most of the Collectors object to the Forest Bill as being too stringent, as ignoring the position of Collectors, or as being unsuited to the circumstances of this Presidency. An abstract which shows the general character of the reports is given in Appendix A. Such of the Collectors' criticisms on the several sections of the Bill as seem likely to be useful are embodied with the Board's remarks in Appendix B.

2. The Forest Bill now under discussion is almost the same as that which formed the subject of Board's Proceedings, dated 18th January 1870, No. 353. The Board then objected to the Bill as unsuited to the circumstances of this Presidency, and urged that Collectors of districts should be made the Conservators of their forests, and that the duties of the chief Forest Officer should be confined to inspection and advice.

3. Further reflection has confirmed the Board in these views, but they now see more clearly than they did then the necessity of rejecting the Bill *in toto*.

First, because its principle, scope and purpose are inconsistent with the existing facts of forest property and its history.

Second, because, even if the Bill were consistent with facts, its provisions are too arbitrary, setting the laws of property at open defiance, and leaving the determination of the forest rights of the people to a department which, in this Presidency at all events, has always shown itself eager to destroy all forest rights but those of Government.

Third, because a Forest Bill which aims at the regulation of local usages ought to be framed, discussed and passed by the Local Legislature.

I.—Mr. Brandis's Memorandum shows that he wishes to introduce the system of the French Code Forestière into India. In France, a long feudal tyranny, followed by the storms of a revolution, and the despotism of an empire facilitated the establishment of a most stringent Code of Forest rules, and now the people are reconciled to it, and it works well, but even in France the management of communal forests is effected through the people, and the profits are shared by them. The

system is based on the assumption that most of the forest property belongs to the State, and at the rights of the people in forests of which the State is the proprietor are few and easily defined. No system could be more opposed, either in its history or its provisions, to the corresponding circumstances in India. It should have been taken as a warning instead of a model, and yet it is now proposed to make the most repulsive and arbitrary portions of it law, whilst the people are to be excluded from the management and profits of forests which, to say the least of it, belong in part to them as well as to the State.

4. There is scarcely a forest in the whole of the Presidency of Madras which is not within the limits of some village, and there is not one in which, so far as the Board can ascertain, the State asserted any rights of property, unless Royalties in teak, sandalwood, cardamoms and the like can be considered as such, until very recently. All of them, without exception, are subject to tribal or communal rights which have existed from time immemorial, and which are as difficult to define and value as they are *necessary* to the rural population. It cannot be said that they are limited by village boundaries, or circuits of five miles, or any other limit of distance; for there are jungles, like those of the Palnad, into which whole districts send their cattle to pasture during the dry weather, and everywhere as the drought continues, and the jungles on the lower ranges of the hills become barer, the cattle ascend towards the higher ranges, till the rains fall and they can find pasturage on the plains again. Nor can it be said that these rights are susceptible of compensation, for in innumerable cases the right to fuel, manure and pasturage will be as much a necessity of life to unborn generations as it is to the present. These forest rights are, Mr. Brandis states, "the result of long established custom under the old system when the forests were to a certain extent regarded as the common property of every body, and when the people in the vicinity of a forest were in the habit under varying restrictions and taxes imposed by the former rulers of resorting to it for wood, timber, grass and pasture for their cattle, and for a variety of other forest produce." This description, divested of its qualifying clauses, is applicable to the circumstances of this Presidency. Here the forests are and always have been common property, no restriction except that of taxes, like the Moturpha and Pulari, was ever imposed on the people till the Forest Department was created, and such taxes no more indicate that the forests belong to the State, than the collection of assessment shows that the private holdings in Malabar, Canara and the Ryotwary districts belong to it.

5. For a signal instance of the inapplicability of the system of the Forest Bill to the forests of Madras it will be sufficient to refer to paragraph 22 of Mr. Brandis's Memorandum. There Mr. Brandis says, "For all interference, however, beyond the provisions of Part IV., fair and equitable compensation is provided. Such compensation will commonly consist in the grant of forest rights in other lands, in the grant of land, or in the Government relinquishing forest rights in other land." Now in this Presidency the rights which are to be interfered with exist in *all* forests and their existence is often indispensable to the extension or even the maintenance of cultivation. The compensation which the Bill contemplates will therefore be generally impossible.

II.—The provisio ns of the Bill are more arbitrary than any which can now be found in the Statute book.

6. It gives executive Governments and Forest Commissions the power of making an unlimited number of *laws*, all of which will restrain or destroy rights which are essential to the comfort and welfare of the people.

7. The boundaries of State forests (and therefore the question whether any forest, or any part of one, is or is not State property,) the existence and value of forest rights claimed by the people, the manner in which they are to be regulated, commuted or extinguished, and claims to *unmarked* and drift timber are all to be placed outside the pale of the law and settled by special Courts appointed by Government, acting of course under the advice of the Conservator. The decisions of the Forest Commission about boundaries and rights *are to be final and to have the force of law*, so that if after the boundaries of a State forest have been fixed on imperfect information an owner appears with a valid title to a part of it he will find that *the law* requires that he shall

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be robbed and gives him no remedy. Even the decisions of the Conservator, when he supposes he has effected a compromise, and the records of his subordinates, when they demarcate vague boundary lines in the absence, it may be, of any interested party but themselves, are to be *conclusive evidence*.

8. Rules which are now admittedly illegal are to become *laws* and fresh rules are to be made and changed at the will of the Executive. All of these rules will have *the force of law*, and offences against them may be punished with a fine of Rupees 500, or imprisonment for six months.

9. In all the cases contemplated by the Bill where rights are determined, valued, or *extinguished*, the contest will be between a powerful Government on the one hand, and petty cultivators, wood-cutters, honey-gatherers, and hill-tribes on the other, the Civil Courts will be powerless, for their jurisdiction is expressly barred, and a department which acquires new importance by every forest right which it strangles will be the Arbitrator.

10. Directly Government choose to notify the boundaries of a communal forest and declare it to be a State forest, as they may according to the Bill, the accrual, transfer and alienation of forest rights will cease, and the power of the Conservator within the forest will be uncontrolled.

11. A law like this could never be or seem to be just. Applied to the great uninhabited forests of Burmah it might do no harm, but there its stringency would be unneeded. Here on the other hand the baneful effects of the measure would be felt by millions.

III.—A Forest law in this Presidency must be a law dealing with local usages, the importance of which cannot be estimated at a distance, and its first object unlike the ruling principle of the Bill now under consideration ought to be the conservancy of local fuel and timber, not the increase of imperial revenue. The inapplicability of Act VII. of 1865, and of this Bill to the circumstances of Southern India, shows that the law should be framed and discussed where the people and the officers who know their rights and wishes can be heard. The case is precisely one of those in which the knowledge and power of a local legislature can be most usefully taken advantage of. If the Bill is left to the local Government much of the Forest Code may be embodied in the law, and less will be left to changing rules.

12. The Board are strongly of opinion that any Forest Act for this Presidency—and they admit that common rights being wasteful things are proper subjects for legislation—should be framed, discussed, and passed by the local Legislative Council.

13. The Government must first catalogue the forests within its geographical limits, and ascertain from Collectors what use of each of them the people are now making, or had been making from time immemorial before the Forest Department was created. It will thus be seen with what the legislature has to deal.

14. The Conservator must next be consulted as to what measures of conservancy he considers to be required. He has already made many proposals on this subject, and they consist for the most part in restraining and extinguishing popular rights or denying their existence, but he might re-consider the subject after the Collectors' reports on forest rights have been received. He should further be required to advise as to whether any regulations should be imposed on Zemindars, Jenmis and other private proprietors who own forests.

15. The Government will then be in a position to draft a Forest Bill, and it must be based on the concession that in the forests in which the communal or tribal rights the people are co-proprietors with Government. All instances of the people should be taken as presumptive evidence of *property* therein.

16. Conservancy will consist for the most part in the protection of these forest rights, and as Collectors by their position and duties are [illegible] must be made the Conservators of their forests. Forest Officers with special knowledge will be required, but they must act under the Collector's orders. An Inspecting Officer will be wanted to decide questions of forest management and secure uniform conservancy. The chief Forest Officer should perform this duty, but he should issue all his directions with regard to ordinary forests through the Collector.

Where there is a Government plantation, as at Nellumboor, and where (if anywhere) there is a primeval forest, with no tribal or communal servitudes, of which Government is the sole proprietor, the chief Forest Officer should have immediate control and Collectors need not intervene.

17. Propositions for the commutation and regulation of forest rights should emanate from Collectors in communication with the people, and this communication may be readily effected through the machinery of the Local Fund Boards.

18. When (if ever) it is necessary to appropriate any portion of a private forest, or to extinguish any tribal or communal right, it must be done by the Collectors and the Civil Courts with the procedure which has been stereotyped for measures of this description by the Land Acquisition Act X. of 1870.

(A true Extract.)

J Gole

Acting Secretary.

To the Secretary to Government, Revenue Department,
with Appendices A. and B., and a file of Collectors' replies.

Copy to all Collectors.
" to the Conservator of Forests.

Exd. J. Tulloch.

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APPENDIX A.

Abstract of Collectors' Reports on the Forest Bill.

GANJAM.—The Collector refers to reports by former Collectors showing that the Act would affect the poorer classes severely.

2. VIZAGAPATAM.—The Collector observes that the rights of village communities are tampered with in the Bill, that compensation is improperly refused in cases where it ought to be granted that Forest Officers are vested with judicial powers in matters in which they are interested parties, and that their Police powers are too great.

3. GODAVERY.—The Collector, having no forests in his district, gives no opinion.

4. KISTNA.—The Collector observes that most of the powers granted by the Bill seem to be already exercised. He has no forests in his district.

5. NELLORE.—The Collector thinks the Bill admirable and welcomes it as likely to put an end to the illegality of the operations of the Forest Department. In his district the Bill is less needed than elsewhere, for conservancy has been in the hands of the Revenue Department and extensive reserves have been demarcated with due regard for communal rights.

6. CUDDAPAH.—The Collector believes that there are no forests in his district, which are absolute State property, or which belong to private proprietors. In a few cases forests have already been demarcated. In most plenty of jungle has been left to the villagers, and they have acquiesced. In some money compensation has been given to individuals. In the regulation of forest rights the local Revenue Officer should act because Forest Officers have "obviously a bias which would lead them to look with disfavour on anything tending to hinder the working of their special department." He thinks it necessary that there should be rules having the force of law, but believes that the Police powers given to Forest Officers are too great. He dwells on the expediency of closely conserving small portions of forest instead of attempting to conserve large tracts.

7. BELLARY.—In this district there are no forests, and the Collector gives no opinion, but the Native Deputy-Collector, in spite of defective English, faithfully represents native opinion on the Bill, and deserves special attention on that account. He points out that the definition of "Forest" includes even *Bellary* where there are no forests, and the scanty jungles are the common property of the people enjoyed from time immemorial, and he shows how arbitrarily and harshly the Bill will interfere with the privileges and even the livelihood of the classes which should be dealt with most tenderly because they are the most helpless.

8. KURNOOL.—Mr. Chase objects in the first place to the definition of forest which includes scrub jungles near villages, and even the villages themselves, so that the enforcement of the Forest rules by forest subordinates would be oppressive in the extreme.

He points out that all forests are subject to tribal and communal rights which will be as necessary for future generations as the present, and cannot therefore be commuted or extinguished. These rights are difficult to define, and it will be unjust for Government to wait for a head man to assert them instead of instituting an inquiry itself. The closing of forest pasturage would discourage the breeding of cattle, and the imposition of a pasturage tax would impede the extension of cultivation. The value of landed property will be seriously affected directly the alienation of forest rights is hindered. The quantity of wood which ryots are entitled to, and the number of cattle they have a right to pasture in the jungles, cannot be defined. They vary from time to time and the ryots are always entitled to all they want.

There is no mention of the hill tribes in the Bill, though their forest rights are very extensive. Forests cannot be closed against them.

The power of closing forests, which can be done under Section 24 without compensation, will be severely felt. "If, for instance, the portion of Nallamala between the Nundekanama Pass and Mantralakanama Pass were closed the people of Nundial and other villages who chiefly cultivate wet lands (and this cultivation may increase under the new irrigation canal) will have to go some 30 or 40 miles for leaves for manure and for pasture lands for their cattle, and a great hardship will be inflicted by Section 26 on hundreds of helpless women whose only means of livelihood for several months of the year consists in gathering for sale jungle produce * * *. During

the famine of 1866 in the Taluqs of Markapur and Cumbum and in parts of Nundial, Sirwell and Nundikotkur, thousands of people lived on Boddikura (Revea Hypocrateriformis) and other herbs, and the hill grass supplied food for cattle which suffered much from want of fodder. Inconvenience will also be felt by native doctors, most of whose medicines are found in the forests probably at the very season when the forests may be closed. When the forests are open inhabitants of other than the favoured villages, and who may be the only ones who possess a knowledge of medicines, will not be able to collect forest produce as they will have no forest rights; and those who have forest rights are prevented by Section 26 from selling the produce of the forests."

Fish and Game Laws are not fit subjects for rules.

The Forest Rules now in operation are sufficiently stringent, and Mr. Chase has never known a case in which the forest rights of pasturage, collecting produce, and shooting wild animals have been abused.

9. CHINGLEPUT.—There are no forests in this district, and the Collector gives no opinion.

10. NORTH ARCOT.—The Collector believes that there are no forests in the district which belong to Government, and deprecates any application of the Act to the jungles on the plains which are now conserved by the Revenue Department.

He objects to the consignment of the judicial inquiries regarding boundaries and communal forest rights (which exist in all forests) to the Forest Department who know nothing of them whatever, and thinks the Collector should deal with such questions.

As in Kurnool, it is pointed out that the denial of pasturage will check cultivation, and that forest rights belong to future generations as well as the present.

The Sections regarding Rules are shown to be too stringent, and attention is drawn to the questionable propriety of conserving fish by Forest Rules.

11. SOUTH ARCOT.—The Collector admits the desirability of giving the Local Government power to issue rules for the conservancy of forests, fish and game, but thinks the Local Legislative Council should be left to pass its own forest law.

12. TANJORE.—The Collector thinks the Bill admirable in most respects, but suggests that it should provide for its being extended to certain *parts* of the Presidency, if the Government do not think it right to extend it to the whole, and that Revenue Officers should be given a voice in the settlement of forest rights.

13. TRICHINOPOLY.—In a previous report, dated from this district, the Collector of Tanjore points out that the control of streams, the establishment of pounds, and the conservancy of fish and game are not proper duties for forest officers.

14. MADURA.—The Honourable D. Arbuthnott, states that in the districts which he knows the right of the people to take any wood they required was never questioned or interrupted till the Forest Department was formed.

The Forest Department was organized in 1856 in consequence of reports that forests were decreasing. "No law was passed but rules were framed under the orders of Government. Under these orders no forest was accessible to the people unless on licenses either paid for or free. The rules unfortunately fall most heavily on those who are at a distance from the forests and who are not allowed even firewood without paying for a license, so that the unfortunates who have no forest within the limits of their village have not only to bear the cost of the carriage of firewood but also to pay for their licenses, whilst those who have a forest at their doors escape both cost of carriage and of license. This inequality does not apply to fuel alone, but to every other article for which wood is required, such as ploughs, rafters for houses, &c. * * * * *. The result of the proceedings of the Forest Conservancy Department is that they have made themselves universally hateful to the people. This is not the fault of the European officers but of the system. There is one European officer in this district and two Overseers. The Duffadars and Peons are practically without any control whatever.

Mr. Arbuthnott does not believe that harm has ever been done to forests by wanton felling and mischief, or by fire, and he declares that the forests have not improved since the Conservancy Department began to manage them.

With regard to the details of the Bill he observes that the word "grass" should be excluded in the definition of "forest," as otherwise it will include every acre of waste in the country, that

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boundaries should be demarcated under Act XXVIII. of 1860, that the commutation of forest rights is often impossible, that the fear that Part VIII. will be put in force will cause destruction of forests, that trammelling the trade in timber and imposing duties on foreign timber is suicidal if the State wishes to conserve its supplies, that drift timber in this Presidency is too trifling a matter to be legislated about, that fines should be authorized but not the confiscation of implements when timber is confiscated, and that smaller police powers should be given to forest officers.

15. TINNEVELLY.—The Collector thinks that legislation is needed, and that the provisions of the Bill are good, especially where they relate to private forests. He remarks that hitherto the Forest Department have thought too much of revenue and too little of conservancy.

16. COIMBATORE.—The Collector hopes that the Bill will promote conservancy without exciting discontent.

17. NEILGHERRIES.—The Commissioner, Mr. Breeks, believes that the time has come for legislation, and that rights may be regulated with reference to area *but not extinguished*. He says: "In this district on the slopes of the Hills are to be found a few small Settlements of two or three houses belonging to Hill people who occupy small clearings, pasture their cattle in the forest, and live by an acre or two of cultivation and by the collection of jungle produce. In like manner, along the foot of the Neilgherries, there are many hamlets of which the inhabitants have looked to the adjoining forest to provide them with food, with objects of barter and sale, and with pasture for their cattle. On the plateau of the Neilgherries there are numerous villages each with its flock and herd which are driven into the forests on the slopes in the early months of the year when the sun, the frost, and the grass fires have destroyed their home grazing grounds * * * *. I apprehend that these villagers enjoy customary forest rights which from their very nature cannot well be 'commuted' or 'extinguished.' Tribes who find the natural products of a forest sufficient for a livelihood are not easily induced to labour after a more civilized fashion for their bread. Beasts cannot be sustained without pasture; and the 'demarcation of forest lands and grazing grounds for the use of towns and villages' mentioned in paragraph 18 of Mr. Brandis' memorandum, will not be found so easy a task in portions of Southern India as on the continent of Europe. In several districts for three or four months of each year the agricultural stock of the inhabitants has literally to make a life and death struggle with hunger; and herds are driven surprising distances in some parts for the bare subsistence which is only to be had in forest tracts."

What is wanted is extensive planting, not extensive commutation of forest rights.

The regulation of rights when necessary must be effected by the Revenue, Survey, and Forest Departments in concert.

It is necessary that communal rights should be sought out; it would be unjust that tribes should be deprived of them because through ignorance or otherwise their headmen did not come forward in time.

Mr. Breeks thinks that private forests should not be interfered with at all, or only by lease or purchase, that a State monopoly of forest produce is objectionable, and that boundary disputes should be settled under Act XXVIII. of 1860.

He is strongly of opinion that the Collector should be Conservator of Forests within his district. He says: "It seems to me impossible that any officer however zealous belonging to another and an independent department can exercise influence over the people for conservancy and for planting purposes in the same degree that a Collector can. Give the Forest Officer a room in the Cutcherry, let him discharge all his executive duties in the name of the Collector, and he will find his influence, his controlling power, and his ability to move about and accomplish, increased tenfold * *. The present Conservator might be called Inspector-General of Forests, reporting direct to Government, and be quite independent of Collectors. The Inspector-General freed from local prejudices by his elevated position would make it his special duty to see that the several Forest Conservators carried out the orders of Government in the Forest Department, and would take care that the knowledge acquired in one district was made available for others."

18. SALEM.—The Collector objects to the prohibition of the transfer of forest rights in Section 26 and the refusal of compensation in Section 27. He suggests that the Collector should make the

proposals for the regulation of forest rights, and that the Revenue Department, the people, and the Forest Department should all be represented in the Forest Commissions.

He thinks that severe penalties should be imposed on communities as well as individuals failing to put out fires and detect offences, that the Rules should have the force of law, and that infractions of them should be punished with rigorous as well as simple imprisonment.

19. South Canara.—Mr. Webster approves of the provisions of the Bill with regard to purely State and private forests.

The definition of forest is too wide. It includes cultivated land in jungles, and in South Canara almost all the estates and especially those near the ghauts are surrounded by jungle.

The Collector and not the Conservator should be the officer to settle boundary disputes and forest rights, and Revenue Officials not Forest Officers should demarcate forests.

Forest rights should not be barred by the efflux of three years but by the time allowed by the Limitation Act. Many such rights have been interrupted by illegal Forest Rules and verbal orders of Conservators.

Rights of way through village forests ought not to be closed. Only one-third of a village forest should be closed at a time, and the period during which it is to be closed should be specified.

Sections 26 and 27 are unjust. "Forest rights in this district go with the cultivated estate and the one cannot be sold without the other. To empower a forest officer, therefore, to interfere with the free exercise of the proprietary rights of the people is utterly unjust. The provisions of the latter part of this Section" (26) "moreover render nugatory the confiscatory portion, for the enforcement of the first part will have the effect of driving the people to obtain by decrees of the Court in uncontested suits sanction for transfers which have hitherto been unrestricted."

Rules cannot be made for sales, mortgages, and leases. Rules for the protection and management of forests should only apply to demarcated forests. The clause referring to game is good.

It will be harsh to place drift firewood under Section 53. "I do not consider that in the face of the prescriptive right of the people to gather firewood for domestic purposes from any Government lands in their villages it would be just to forbid them from collecting drift firewood. Moreover, if this Section is passed into law as it stands, not only will means be afforded for petty extortion and abuse of authority, but the time of the Police and Forest Officers will be most uselessly taken up in arresting poor people for gathering a few sticks to cook their scanty meal."

Mr. Webster thinks the Police should not be called on to aid the Forest Officers in conservancy.

On the Section regarding forest fires, &c., he points out that if a penalty which will reach communities or individuals is laid down, it will be harsh, and if no such penalty is proposed it will be useless. In either case Section 57 should be expunged. "In this damp climate where vegetation is so luxurious, the firing of the old grass is indispensably necessary to ensure a supply of fresh grass for pasture. If this practice is restricted the pasture will suffer to say nothing of the health of the community being affected by a superabundance of noxious vegetation in the jungles."

In conclusion, Mr. Webster expresses his opinion that the Act, even if modified, is not required. "The wording seems to be unnecessarily long, probably occasioned by its being intended to apply to the whole of British India, and it does not appear to be very clearly drawn up. As far as my experience goes, all that is required is a short Act defining the different description of forests and providing for the demarcation and effectual conservancy of purely State forests, and for the conservancy subject to existing rights of village forests, and regulating the traffic of timber cut in private forests. I do not think it would be necessary to abolish any communal rights of the people; all that would be required would be the temporary closing of certain portions of village jungles to allow of planting operations being carried on."

20. Malabar.—No report has been received, but nearly all the forests in Malabar are private property and interference is not required.

P Grole

Acting Secretary.

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APPENDIX B.

Notes on the Draft Forest Bill.

Preamble.—The scope of the Bill would be more correctly indicated if "in British India" were substituted for the words from "and lands" to "other matters."

Part I.—*Section* 3.—The Board object to this Section altogether because it implies that if the Government of Madras think a Forest Law is required they must accept this Act with its wide and unnecessary powers of confiscation, and its numerous lengthy provisions with regard to matters which are of no importance in Southern India, instead of framing a law adapted to the peculiar circumstances of their own people.

The peculiarity of Southern India consists in the fact that in all or nearly all its forests, though the State may claim to be the proprietor, the State right is reduced to very narrow limits by numerous valuable and uncontestable communal rights, which may be regulated, but cannot from their nature be commuted or extinguished.

Moreover, it will probably be necessary to protect the tenants of Zemindars from their landlords, who have in some cases followed the example of the Forest Department and are endeavouring to destroy all communal forest rights. This contingency is not contemplated in the Bill, which indeed aims everywhere at supplanting instead of supporting the rights of the people.

If these objections are not allowed, it will be well to give the Government of Madras power to extend the Act or any part of it to specified districts or portions of the Presidency.

Section 4.—It will be unjust to give the Forest Rules which have been made under Act VII. of 1865, or "been otherwise legalized" (whatever that may mean) the force of law. Most of them are admittedly illegal and they destroy communal rights which the present Bill admits must be regulated, commuted or extinguished only after fair compensation has been paid.

For instance, in the Forest Rules of this Presidency, which may be legalized under the Bill, though now illegal, there is one which forbids wood-cutters to cut fuel for sale except on payment, and by the permission of the Forest Department. This forest right which gives a livelihood to large numbers of the poorest classes was never challenged before the Forest Department was created by an administrative order in 1856. Again, these Rules assume that all jungles, except those situated on land comprised within the estates of private individuals, are the property of Government. The Board believe that the people are everywhere co-proprietors of the forests, and there can be no possible doubt but what a large extent of forest in South Canara which the Forest Department have claimed for the State, and managed with much harshness to the people, is absolute private property; the subject is a very difficult one—but the Conservator's rules made in utter ignorance of the rights and titles of the people in South Canara and elsewhere will cut the Gordian knot when they become *law*.

The fact that many of the Rules are illegal ought to be recognized, and the rights which they have injured ought to be restored. After that has once been done, new Rules may be made under the new Act.

It is an obvious remark that when the Legislature is discussing the Bill it should have before it, and discuss thoroughly, and insert in the body of the Bill *all* the provisions which it intends to make law.

Section 6.—The definition of forest is so wide as to be no definition at all. It is a correct description of the whole of this Presidency, or of the whole of India, or of the whole of the world; but not of a wood-land tract.

The provision that it shall include cultivated lands situated within the tract will place despotic power in the hands of the Forest Department. If any forests at all are to be demarcated those in the slopes of the Neilgherry Hills will be. They include Settlements belonging to the hill people who occupy small clearings, pasture their cattle in the forest, and live by an acre or two of cultivation and by the collection of jungle produce. The Conservator, looking at the matter from a departmental point of view, will wish to induce these villagers to migrate elsewhere and he can do so, for he can close any demarcated forest under Section 24, and when he has done so, the

villagers will not be able to get pasturage in the forest, to collect jungle produce, or even to cut and sell their scanty crops, for these, too, will be forest produce according to the definition of "forest." The Conservator will also be able to harass the people by closing paths, and when all this has been done, and the starving people have to leave their homes, they will be refused compensation under Section 27.

It will probably be contended that though any Conservator *might*, he would be too benevolent to do this, but in the first place, the Board doubt the fact. No one can read the correspondence about Achaya's 500 acres in the Nullamala forests of Kurnool, and the injury which he has caused to forest revenues, without feeling sure that directly the Forest Department can oust him legally, they will be under an irresistable temptation to take advantage of their power. In the second place, it is no defence of a law which gives too great powers, that its framers believed those powers would be benevolently exercised.

The definition of the word "forest" might more properly be as follows:—The word, "forest" shall mean any tract of country covered with trees and brushwood, and shall include waste land remote from villages and hamlets, but not cultivated land, or village sites, or other land which is private property.

To the *Forest rights* enumerated in the Clause should be added rights of way and of cultivation.

Government should be allowed to store Zemindary or communal timber which it intends to sell for the benefit of private proprietors in the *Government Timber Depôt*.

PART II.—*Section* 7.—The Board believe it will be found that there are *no* forests in this Presidency in which the proprietory right of Government is unencumbered as the original Bill expressed it, by communal or tribal rights.

In forests where the proprietory right of Government is limited by forest rights, the people are always co-proprietors, with a right dating from time immemorial to use and make a profit by timber, wood and forest produce.

A fourth class should be added to the three described in the section, viz., private forests to which the provisions of the Act may be extended with the sanction of Government. The provisions of Part VIII. are all meant to apply to such forests, and the addition to Clause 7 is necessary because Clause 8 of the original Bill has been omitted in the revised Bill, though the last Clause of Section 42 has not been altered in accordance with the modification.

Section 8.—For reasons which appear *passim* in the Board's Proceedings and in the Collectors' reports Collectors must be made Conservators of the forests within their districts, and the Special Forest Officers must be subordinate to them.

Section 9.—It follows that the Chief Forest Officer should be named Inspector-General, not Conservator of Forests and that his duties should consist in the inspection of forests and their management. He should communicate directly with Government and the Board, but orders to Forest subordinates acting under Collectors should be sent to them through the Collectors.

PART III.—*Section* 11.—Directly a forest is demarcated forest rights are to cease to accrue (Section 18), and are not to be alienated except with the written consent of the Conservator (Section 26). Moreover portions of the forest may be closed and paths may be stopped after notice has been publicly given, and no compensation is to be granted for rights so interfered with. It is clear therefore that the adjustment of rights must *precede* demarcation.

Section 12.—As Sections 11 and 12 stand the State may demarcate as its property not only forests which are absolute State property, but forests which are qualified State Property, and forests demarcated as *State Property*.

Forests in which communal rights exist must continue to be Communal not State Forests, and the profits of management must be shared by the people to whom the forests belong in part. It is absurd to direct that Government "*may* assign all or any of the produce of such forest for the use of village or other communities," *i. e.* assign to them as a favour and a compensation what is their own by right.

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The mention of forests of the first class in Section 12 seems to be unintentional. State forests are dealt with in Section 11.

Section 14.—This Section supplies an instance of the necessity of making Collectors Conservators of their forests. Collectors know the rights of the people and it is their duty to protect them. The Forest Department are strangely ignorant of popular rights and are prone to destroy them.

Sections 15—18.—The reference of boundary disputes to a Forest Commission is gratuitously novel and arbitrary. All the necessary powers and procedure are provided for by the Madras Boundaries Act, XXVIII. of 1860.

The intention of the Bill to secure unrestricted powers to the Forest Department is shown in Section 17. Forest Officers are to mark out disputed boundaries and their record and map are to be conclusive evidence. The boundaries ought to be marked out as prescribed in Act XXVIII. of 1860, and disputes should be settled either by arbitration, in which case the decision will be final, or by the Settlement Officer, in which case there will be an appeal to the Civil Courts. All the rules relating to demarcation, and the maintenance of boundary marks, which, by the Bill, are to be made by the Local Government and "have the force of law" will thus be made unnecessary.

Section 38.

PART IV.—*Sections* 18 and 26.—According to these sections as soon as Government notify the boundaries of a State or Communal Forest, no forest rights can accrue therein to any one, no existing right can be alienated or transferred, and no produce of the tract of country including, as it may do, cultivated lands can be sold to outsiders.

It is abundantly shown in the Collectors' reports, and in the Proceedings of the Board that forest rights by their very nature go with the land, and these sections will ruin the value of landed property in the vicinity of the forest, and prevent the extension of cultivation.

It follows that if these provisions are to stand at all, they should only take effect after the demarcation, and that forest rights should be investigated and adjusted after the notification of boundaries and before the final demarcation, but the Board are strongly of opinion that they cannot justly be applied to Communal Forests, *i. e.*, forests of the 2nd and 3rd classes in any case.

These Sections irresistibly remind the reader of the Forest Laws of William the Conqueror and the destruction of whole villages when the New forest was "afforested."

Section 19.—The circuit within which the notification of boundary rights is to be published was made 10 miles in the original Bill. Now it is restricted to 5. If it is supposed that rights in a forest are not held and exercised by people at a greater distance from it, the supposition is a grave error.

Where the villagers who hold the forest rights are enlightened and courageous it may be safe to leave them to assert their rights themselves, but this is seldom the case. The rights of ignorant hill tribes and wretched wood-cutters must be inquired after and sought out; otherwise, a cruel advantage will be taken of their defenceless state. It must be remembered that it is extremely difficult to define and clothe in words the vague but important rights which the people everywhere possess in jungles and forests.

It will be dangerous to let the head-man monopolize the negotiation for this will place the other villagers at his mercy.

Claims to forest rights must be dealt with by the Collector, not by the Chief forest Officer.

Section 20.—There is nothing in the nature of a forest right to exempt it from the protection afforded to it by the Limitation Act, and it is harsh and arbitrary to declare that this description of easement only shall be held not to exist unless it is exercised at the time the boundaries of the forest are notified.

In many places rights of this description have been interrupted for the last few years by illegal action on the part of the Forest Department. In other places the Forest Department have illegally acquired for Government rights which it did not previously possess.

Section 21.—It is the Collector and not the Chief Forest Officer who must deal with claims to forest rights.

The section provides that if a right is claimed and not admitted the dispute shall be referred to a Forest Commission.

There is no need to establish a Special Court for such a matter as this. It may be left to the decision of the Collector, with an appeal to the Board of Revenue.

Section 22.—If the legislature determine that the Chief Forest Officer shall decide these questions, it will be well to provide that the claimants shall sign the record of agreement as well as the Conservator.

Section 23.—The Board have already expressed an opinion that these demarcated forests should be forests which are absolute State property only. It would be a great injustice to close rights of way through communal forests.

At all events this closing of paths ought never to be done till the communal rights have been investigated.

It will be impossible to close any forest paths against the hill tribes.

Section 24.—Here again it must be observed that closing any portion of a communal forest without granting compensation would be a measure of great injustice.

If parts of communal forests are to be closed, the portion and the period during which they are to be closed should be limited by law. In the original Bill the portion was limited to one third.

Section 25.—This absolute prohibition of forest rights is unnecessary and will be severely felt unless the extent of closed forest is very small.

Section 26.—The Board have already remarked on the repulsive harshness of this section.

Mr. Brandis shows no acquaintance with the forests of this Presidency when he says that the extent of the interference of this and the two proceeding sections will be *small*, and that it does not *appear* incompatible with a due regard for customary rights. He simply expounds the intention of Parts IV. and V. of the Bill when he *hopes* what the Board think a terrible evil, viz., that under the provisions of the Bill it will be possible "to free most forest of customary forest rights." The wide significance of this expression can only be estimated when it is read in connection with the definition of "forest" in Section 6.

If one part of the section is more improper than another it is that which forbids the Sale of forest produce to outsiders.

Section 27.—It is admitted that rights are to be injured and yet it is provided that no compensation shall be given because, as it appears from Mr. Brandis' Memorandum, the claims would be numerous and petty, and the forest property (which he hopes will be freed from customary rights) will be improved. It is impossible to conceive that this reasoning can be accepted or the section allowed to stand.

Many of the Collectors speak of this section with surprize and something very like consternation.

PART V.—*Section* 28.—The first thing to be noticed is that in this Presidency at all events forest rights can never be commuted and seldom extinguished. Rights to cut fuel and timber for sale and use, to collect forest produce and to pasture cattle are rights which belong to *communities* and not merely to the present members of them, so that a money payment in compensation is out of the question. As the people have rights in all forests Government cannot give rights in one forest in exchange for rights in another. No reduction in taxes would compensate for deprivation of pasturage.

Section 29.—It is impossible to define the quantity of timber and wood which must be given to villagers or the number of head of cattle for which they are entitled to pasturage. Their right has always been a right too *as much as they want*, and wants vary.

Section 30.—It is the Collector and not the Chief Forest Officer who should submit proposals for regulating rights.

The parties assenting to the compromise as well as the Settling Officer should sign the record.

Section 32.—If rights are simply to be regulated without being destroyed, the Collector should pass the necessary orders subject to an appeal to the Board.

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If a right is to be extinguished it should be effected with the procedure of the Land Acquisition Act X. of 1870. The principles on which the property of individuals may be appropriated for the public benefit, as deliberately fixed by the Legislature are embodied in this Act, and they should not be departed from. Commutation is impossible.

In no case will it be desirable to have a strange Court outside the pale of the law and called a Forest Commission.

It should be provided that in all cases the expenses of the proceedings (batta to witnesses, etc.,) shall be paid by Government.

PART VI.—The Board think that the whole of this part should be omitted. They have already shown that Forest Commissions are not required in the case of boundary disputes, of determining rights and of "regulating, commuting and extinguishing" rights. The appropriation of private forests will be dealt with hereafter, and it will be shown that a Forest Commission is not wanted for that purpose. If, however, the Legislature determine on having a commission it should be laid down that the Revenue Department, the Survey Department and the Forest Department are each to supply a member.

PART VII.—*Section* 38, Clause I.—If the boundaries are demarcated under the Boundaries Act there will be no need for rules on the subject.

The sale, mortgage and lease of forests are subjects of the common law and ought not to be governed by mere rules.

Clause 2.—It is obvious that rules under this clause can only apply to State forests, and even there they will not bind the hill tribes, nor is it desirable that they should do so, for they would deprive such tribes of their chief means of livelihood.

Clause 4.—Fish and Game laws ought not to be framed by means of Forest Rules.

Section 40.—The Board protest against giving Forest Rules framed by the executive the force of law. The meaning of this is simply that the publication of a Rule shall make legal what otherwise would be illegal. For instance, if Government make it a rule that such and such forests are to be treated as absolute State property (and they may do so thinking their title a good one) it will become law that those forests are State property whether they are justly so or not.

PART VIII. *Section* 41.—The last clause assumes that Section 8 of the original Bill is retained, whereas it has been taken out of the Bill.

The Board do not see why compensation is refused in this case. It is a matter of principle that compensation should always be given when the rights of an individual have to be restricted for the benefit of the public. The amount of the compensation should be determined under Act X. of 1870.

Section 45.—It is the Collector and not the Chief Forest Officer who should determine the compensation to be offered.

Section 46.—As pointed out in the notes on Section 32, commutation of rights is impossible and if the rights are to be extinguished it should be done with the procedure of Act X. of 1870.

If possession is not taken, Government should bear all the expenses of the inquiry.

PART IX. *Section* 47.—The obstruction of streams against floating timber is not a matter of any importance in this Presidency. If customary dams used for irrigation are removed, heavy compensation must be paid.

Section 48.—It is admitted that the great object of Forest Conservancy ought to be the conservancy of supplies of timber and wood, and the imposition of a duty on foreign wood, or any restriction on the trade in it will tend to keep it out of the country and force Government to cut down more of their own supplies.

In some cases, as in that of Travancore it would be a violation of treaty rights to impose a duty on timber.

In any case the matter is one for a Customs law, and not for a Forest law.

Section 49.—These restrictions on the trade in timber and the practical creation of a monopoly of the trade will revive the worst evils of the transit duties, and the hardship caused to the possessors of private forests like the Jenmies of Malabar will be terrible. The Board trust the section will be altogether omitted.

For the reasons which have been detailed above, Rules under this section, if it is allowed to stand, should not have the force of law.

Section 50.—This provision is useless, and should be omitted. In any case fees should not be levied for registering property marks, when both marks and registry are designed to hamper individuals in order to benefit the Treasury.

Section 51.—This section should be omitted. There is nothing in the nature of timber to make it necessary for Government to supersede the law in protecting private property.

Section 52.—Any one saving wood must have a lien on it till salvage is paid. The effect of the section, as it stands, will inevitably be that the salvage money will stop with the forest peons.

Section 53.—This section is not needed in this Presidency and where it is needed it should not be applicable to firewood. It is out of the question that the gathering of sticks by a river side should be made a penal offence.

The provision that drift-wood shall belong to Government if unclaimed within three months is a piece of simple confiscation. In the case of drift timber as of other waifs and strays the Village Magistrate should take charge of the property and report to the Tahsildar in ordinary course.

Section 54.—The question of property in drift timber should be decided in the first instance by an Officer of the Revenue Department. Officers of the Forest Department are interested parties, for their position and prospects improve or deteriorate with the Forest Revenue.

Section 55.—This is unnecessary and useless for this Presidency, and the Board cannot see the necessity of a Special Court anywhere.

PART X. *Section* 57.—This section is useless unless communities as well as individuals can be punished when they transgress it, and if so compulsory labour is required which will not be paid for. The evil of forest fires in this Presidency is probably small. There are annual fires in almost every forest and no conspicuous damage seems to be done to them but rather the contrary.

Section 59.—Forest pounds like all other pounds must be established under Act I. of 1871. There is no reason that the Board can see for making them the subject of a section of a Forest Bill.

PART XI. *Section* 60.—The graver offences should be defined in the body of the law and specific penalties should be provided for them.

Rules should only be made for administrative details and the infringement of them ought not to be punished with more than a fine of Rupees 50 or 15 days imprisonment of either description.

Section 63.—The word "local" should be inserted before "Gazette"

Section 64.—The power of arrest without warrant for breaches of Forest Rules is too great a power to give to Forest Peons. They should be allowed to arrest only when the offender refuses to give his name and address or when there is reason to believe that he has given a false name or address. It must be remembered that the possessors of the powers will be ignorant and ill-paid peons tempted to extortion by their distance from supervision.

Section 65.—This should be altered accordingly. The Magistrate should be empowered to summon on charges laid by Forest Officers.

Section 66.—For "forest," "demarcated forest" should be inserted.

Section 67.—It is no reason why a Magistrate should have the extraordinary power of adjudicating *in the absence of the accused*, that the ownership *of timber* is involved.

Section 73.—The limit of time ought to be six months not three, "as," to quote Mr. Brandis, "the forests in most Provinces are scattered over a wide extent of country, and are frequently all but inaccessible during a great part of the year."

Acting Secretary.

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FOREST No. 154.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th September 1874, No. 2,520.

Read the following replies to Board's Proceedings, dated 29th May 1873, No. 897, regarding rights of ryots and the State to fuel and timber :—

From the Collector of Ganjam,	dated	8th June	1874, No.	1,379.
,, ,, of Vizagapatam,	,,	2nd October	1873, ,,	B.
,, ,, of the Godavery District,	,,	23rd September	,, ,,	313.
,, ,, of the Kistna District,	,,	17th November	,, ,,	1,720.
,, ,, of Nellore,	,,	11th August	,, ,,	1,807.
,, ,, of Bellary,	,,	17th February	1874, ,,	28.
,, ,, of Cuddapah,	,,	21st May	,, ,,	114.
,, ,, of Kurnool,	,,	6th November	1873, ,,	370.
,, ,, of Chingleput,	,,	25th August	,, ,,	356.
,, ,, of North Arcot,	,,	16th September	,, ,,	585.
,, ,, of South Arcot,	,,	6th August	,, ,,	279.
,, ,, of Tanjore,	,,	21st February	1874, ,,	44.
,, ,, of Trichinopoly,	,,	27th October	1873, ,,	245.
,, ,, of Madura,	,,	29th September	,, ,,	310.
,, ,, of Tinnevelly,	,,	27th June	,, ,,	342.
,, ,, of Coimbatore,	,,	7th July	,, ,,	138.
,, Commissioner of the Nilgiris,	,,	27th November	,, ,,	115.
,, Collector of Salem,	,,	18th ,,	,, ,,	348.
,, ,, of South Canara,	,,	24th September	,, ,,	1,640.
,, ,, of Malabar,	,,	17th June	,, ,,	157.
,, Inspector of Forests,	,,	20th ,,	,, ,,	1,807.

THESE reports will be submitted to Government with reference to G. Os., dated 18th June 1873, No. 622, and 5th December 1873, No. 1,357.

2. In their Proceedings of the 29th May 1873, No. 897, in reviewing a report from Coimbatore, the Board expressed a strong opinion in favor of prohibiting the leasing of the right to collect seigniorage on firewood altogether, and of ceasing to levy seigniorage on villages surrounded entirely by forest, except when wood is carried out of the forest by the villagers. Before addressing Government on the subject, however, the Board called for reports from all Collectors as to how the rights of ryots and the State with regard to fuel and timber can best be reconciled, observing that "the claim of the State seems scarcely ever to be enforced without infringing on the privileges of the people, who to save themselves from annoyance are often forced to pay for passes which ought to be free or submit to an illegal tax."

3. Subsequently, in their Proceedings of the 3rd November 1873, No. 2,236, the Board drew a distinction between great forests and minor jungles and stated that "the task before Collectors is to draw up descriptive lists of minor jungles, showing their area and position, and the distance of all villages within ten miles; and to prepare schemes allotting the jungles of their districts amongst the circumadjacent population."

4. These replies to the first Proceedings are satisfactory in one respect, at all events, for they show that, as a general rule, the right of the State to seigniorage has not been pressed so as to infringe on the privileges of the people. The danger in practice is all the other way, for the State loses much of the seigniorage to which it is entitled, and it is only in Coimbatore that the ryots suffer in consequence of the contract system of collecting seigniorage, which is in force nowhere else.

5. The replies are unanimous against the contract system (though Colonel Beddome was strongly in favor of it as regards minor forest products) and the levy of seigniorage on fuel, etc., consumed in villages which are surrounded by jungle, and the Board have no doubt that these evils should be put a stop to at once and for ever.

6. Most of the Collectors seem to think that the present rules, especially with the additions now in force in some districts, which specify on a liberal calculation the amount of fuel and timber

to which a ryot is entitled free of seigniorage, work well and need no alteration, but others make the following proposals :—

(1.) To abolish the tax on firewood altogether.

(2.) To abolish free felling altogether.

(3.) To demarcate jungles into reserved and unreserved tracts and allow free felling only in the unreserved tracts.

(4.) To calculate the seigniorage due (if charged) on the quantity of fuel to which each putta holder is entitled annually, free of seigniorage, deduct it from his putta, and then charge him seigniorage (like all others) when he fells the wood.

(5.) To allow felling to take place without any charge, whether the fellers are ryots or not and whether the wood is wanted for domestic purposes or not, (within specified limits) and charge seigniorage elsewhere, without distinction of persons.

(6.) To allow head-loads to go free, whatever purpose they may be intended for.

7. The only point in which the Board think the present practice can be improved, pending the enactment of a forest law, is by calling increased attention to the formation of reserves, wherever they can be formed, so as to leave sufficient jungle outside for the villagers. The elaborate catalogue, proposed in Board's Proceedings dated 3rd November 1873, No. 2,236, would meet the difficulty completely, but it must be postponed until legislation has taken place.

8. The proposals to abolish the tax and to stop free felling cut the Gordian knot and do not pretend to untie it. The arguments by which they are supported have often been used before, and need not be noticed here. The Collector of Coimbatore qualifies the proposal to abolish free felling by proposing to collect no seigniorage on wood used within the jungle and in villages situated within its circuit, and to levy tolls only on wood taken out of the jungle ; but this would be impracticable in most parts of the Presidency, and would violate an accepted principle.

9. It would be inexpedient to allow free felling to all within specified limits, because this would be only a temporary makeshift, and the tracts thus allotted would be soon denuded. If head-loads are allowed to go free, a regular trade will spring up in head-loads, to the exclusion of cart-loads and the detriment of the revenue. (Board's Proceedings, dated 23rd August 1871, No. 2,241, Appendix I.)

10. The Collector of Tanjore will report, in greater detail, what is meant by his statement that in the Tanjore jungles villagers are permitted to gather wood free, but not to cut it with any instrument. This seems to limit the ryots' privileges, with regard to fuel, in an unjustifiable way, and to abolish them altogether as regards wood for agricultural implements, etc.

(A true Extract.)

J Grole

Secretary.

To the Acting Secretary to Government, Revenue Department,

,, the Collector of Ganjam. with a file of printed reports.

Copy to all other Collectors.

,, to the Inspector of Forests.

Exd. A. S. Rodgers.

ENCLOSURE No. 3.

Statement A showing the extent of existing Plantations (under Imperial Forest Department) in each District, and the Class to which they belong, etc., for the half-year ending 30th June 1874.

No.	Name of Districts and Ranges.		Classes.					Expenditure up to end of 30th June 1874.			Receipts up to end of 30th June 1874.			Remarks.
	Districts.	Ranges.	Timber.	Mixed.	Firewood.	Experimental.	Total.	Rs.	A.	P.	Rs.	A.	P.	
1	Cuddapah	Cuddapah	...	...	1,678	50	1,728	38,317	12	10	...	...	...	As no reports have been received from the districts of Ganjam, Vizagapatam and Madura, those districts were omitted in this statement, together with Tinnevelly and Tanjore, in which districts there are no plantations.
2	Bellary	Bellary	...	...	404¾	...	404¾	9,188	1	0	...	...	...	
3	Kurnool	Kurnool	...	...	...	15	15	1,714	9	0	...	...	...	
4	North Arcot ...	North Arcot ...	...	106	709	...	815	27,772	0	4	386	2	0	
5	South Arcot ...	South Arcot ...	...	...	...	7¼	7¼	469	10	10	...	...	...	
9	Salem...	Salem	...	...	...	6½	6½	3,669	9	7	...	...	...	
6	Trichinopoly ...	Trichinopoly ...	...	...	185	...	185	19,158	3	9	1,371	5	1	† The area shown is the planted area only, except in the case of Cuddapah and Bellary Districts, in the reports of which the respective acreage of planted and unplanted is not shown, and therefore the total area classed as plantation has been entered, though it is probable that a large portion remains unplanted.
7	Coimbatore ...	Annamally ...	...	...	...	13	13	3,050	12	11	...	...	...	
		Sattiamungalam..	69	...	...	...	69	11,357	3	7	...	...	...	
		Collegal	56	...	...	...	56	11,828	4	0	...	...	...	
8	Nilgiris	Mudumallay ...	78	...	...	...	78	18,913	8	1	...	...	...	
		Seegur	20	...	...	...	20	3,646	14	0	...	...	...	
10	South Canara ...	South Canara ...	75	...	...	...	75	6,572	3	2	...	...	...	
11	Malabar... ...	Nelamboor... ...	2,990	...	...	...	2,990	2,01,173	10	9	*94,318	1	8	* This amount appears not to include the sums paid for the land, amounting to Rupees 94,000—*Vide* general remarks for this district.
		Chennat Nair ...	...	181¼	...	...	181¼	3,858	14	0	...	...	...	
		Total...	3,288	287¼	2,976¾	91¾	6,643¾	3,60,691	5	10	96,075	8	9	

OOTACAMUND,
31st October 1874.

(Signed) CAMPBELL WALKER, Captain,
Officiating Inspector of Forests.

Board of Revenue,
MADRAS.

PROCEEDINGS, 7TH SEPTEMBER 1874, No. 2,520.

Received 25 ...

SEPTEMBER.

Forest No. 154.

Fuel and Timber.—Reports from Collectors regarding rights of ryots and the State to —, submitted to Government with remarks. Collector of Tanjore requested to report in detail what is meant by his statement that in the Tanjore jungles villagers are permitted to gather wood free but not to cut it with any instrument.

ENCLOSURE No. 4.

Statement B showing the extent of existing Firewood Reserves (under Imperial Forest Department) for the half-year ending 30th June 1874.

No.	Name of Districts and Ranges.		Acre.	Expenditure up to end of 30th June 1874.	Receipts up to end of 30th June 1874.	Remarks.
	Districts.	Ranges.				
1	Cuddapah	Cuddapah	9,230	RS. A. P. 3,445 0 11	RS. A. P.	As no reports have as yet been received from the districts of Ganjam, Vizagapatam and Madura, those districts are omitted in this statement together with Bellary, Kurnool, Tanjore and South Canara, in which there are no firewood reserves. The *total* area under Reserve is given whether stocked, half-stocked or bare, as the information received does not suffice to divide it. This must be done in future returns. In most cases the areas are only estimated, the several reserves not having been surveyed. The Collector reports that the acreage of the former is 1,800 (*Vide* Board's Proceedings F. No. 180, dated 23rd September 1874), while the statement shows only 1,712¼. The correct figure should be given in the next report.
2	North Arcot	North Arcot	2,560	2,359 4 5	... ...	
3	South Arcot	South Arcot	40,550	6,980 14 8	398 12 4	
4	Trichinopoly	Trichinopoly	(a) 2,734	3,904 7 2	715 10 2	
5	Tinnevelly...	Tinneveliy..	(b) 2,000	7,055 0 8	103 11 3	
6	Coimbatore... ...	Bolumputty (Walliar)	(c) 1,010	12,616 2 11	559 1 6	
7		Mettapolliem	(d)12,160	2,060 6 0	... ...	
8	Salem	Salem...	19,369	15,276 5 7	375 8 0	
	Malabar	Chennat Nair	(e) 1,732¼	24,892 3 7	0 8 6	
		Total...	91,345¼	78,589 13 11	2,153 3 9	

(a) This is much under-estimated.

(b) The Deputy-Conservator does not state the area at all either in the body of his return or remarks, the figures are therefore taken from the previous reports.

(c) The Deputy-Conservator does not state the acreage of Walliar, but this was ascertained from the previous report.

(d) The area shown is very doubtful, the limits of these reserves have recently been circumscribed.

(e) 1,712¼ Poolambarai and 20 Oolavacode.

OOTACAMUND,
31st October 1847.

(Signed) CAMPBELL WALKER, Captain,
Officiating Inspector of Forests.

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CIRCULAR No. 35.

Addenda, Corrections, &c., to Circular No. 35 *(Board's Proceedings,* 65-1,119*), dated* 13*th May* 1874, *and the forms therein prescribed to accompany general review of operations for the half-year ending* 31*st June* 1874.

1. ATTENTION is called to the extent and nature of the information required by paragraphs 2 and 3 of the Circular, which in several cases appears to have been lost sight of.

2. *In the Plantation Statement, Column* 2, the areas planted and available for extension, at the *commencement* of the half-year, should be clearly shown; when the available unplanted areas are not known, or there is none, the column "Unplanted" should be left blank, and the reason stated in remarks. It is, however, very important that the area available, for extension of each plantation, should be ascertained.

3. Expenditure, Column 4, under Establishment *Permanent*, include any sanctioned and paid under B. Establishment, *solely* employed on plantation work, whether in the field or office, but not the general establishment, employed in the range or taluq under *hired*; the gardeners, maistries, etc., paid from A. Working Charges, and not chargeable to any special work, such as improvement, fencing, etc., should be included.

4. An extra column may be introduced for contingencies.

5. Before the column "Total up to end of half-year," insert another as *Total* drawing the lines so as to exclude the former from the heading "During the half-year."

6. Under 6, *Results*, insert a final column as "Area or number of trees planted out up to the end of the half-year." This will include the area or numbers shown under During the half-year, and should coincide with the opening column under 2, Acreage, in the return for the next half-year, unless unforeseen circumstances have damaged or destroyed a portion of the planted area which should be explained. It is preferable always to exhibit the acreage instead of or as well as the number of trees planted.

Firewood Reserve Statement.

1. Column 2, Acreage, the areas stocked, half-stocked, and bare at the *commencement* of half-year, should be carefully estimated and exhibited (*vide* remarks on the returns for half-year ending 30th June 1874). When not known or doubtful, it is best to exhibit as half-stocked; the total areas, under Reserve, must also be carefully estimated until actually surveyed and mapped.

2. Under Column 4, Expenditure, *vide* foregoing remarks for plantation statement which should be adopted, as also with regard to the final extra column under 6, *Results*, which should exhibit the area really fully stocked at the end, in comparison with that at the *commencement* of the half-year, as shown in the opening column under 2, *i. e.*, it should be the sum of the opening column, *plus* the area or number exhibited, under Results during the half-year. The acreage should invariably be shown.

3. The returns should, invariably, be submitted in foolscap size book form to admit of ready reference.

(Signed) CAMPBELL WALKER, Captain,
Offg. Inspector of Forests.

Exd. W. H. French.

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OFFICE OF INSPECTOR OF FORESTS,
Ootacamund, 4th November 1874.

No. 410.

From Captain CAMPBELL WALKER,
Officiating Inspector of Forests,

To J. GROSE, ESQ.,
Secretary to the Board of Revenue.

Sir,

I HAVE the honor to submit the reports on Plantations and Firewood Reserves for the half-year ending 30th June 1874, received from the districts marginally noted.

Plantations.	*Reserves.*
1. Cuddapah.	1. Cuddapah.
2. Bellary.	2. North Arcot.
3. Kurnool.	3. South Arcot.
4. North Arcot.	4. Trichinopoly.
5. South Arcot.	5. Tinnevelly.
6. Trichinopoly.	6. Coimbatore.
7. Coimbatore.	7. Salem.
8. Neilgherries.	8. Malabar.
9. Salem.	
10. South Canara.	
11. Malabar.	

2. Great delay has occurred in the submission of these Returns from the several districts, caused doubtless to some extent by the form being new, and subsequently by some confusion as to dates of submission.

Still the delay in the case of some districts appears unduly great, and has caused the greatest inconvenience. I beg that the Board will enjoin on all Collectors and Forest Officers the necessity of submitting the Returns in future within a reasonable time of the due date, in order that they may be reviewed, and remarks communicated before those for the next half year are compiled. No Returns have been received from Gumsoor, Golcondah, and Madura. The two former are of little consequence, and there is no special Forest Officer in charge, but I am at a loss to understand the cause of Mr. Williams non-submission of the Reports notwithstanding several reminders, and beg that he may be called upon for an explanation.

3. I observe that some Collectors submit copies, retaining, I presume, the originals in their own office. This appears unnecessary and contrary to orders, especially as there is already an office copy in the Office of their Forest Assistants, available for reference at any time.

4. The Returns are submitted in the form prescribed in this Office Circular, No. 35, dated 26th March 1874, approved of by the Board, in their Proceedings, No 65-1,119, dated 13th May 1874, and the information acquired enables me, I believe, for the first time to exhibit the results of planting, and formation of Firewood Reserves from the *commencement* up to the 30th June last, as well as the progress made during the half year with which the reports more particularly deal. I have on this account given the information in some detail, and trust that in future there may be no difficulty in obtaining accurate statements of the condition and progress of planting, etc., in each district.

The forms now adopted with a few modifications, submitted in the shape of a separate Memorandum which I request that the Board will approve of and communicate to all Collectors as early as possible, will suffice as a complete record of operations in these respects, ordered by Government to be kept up in the Office of each Forest Division or Range and prescribed in paragraph 5 of Circular 35.

5. PLANTATIONS.—The general results exhibited show that we have 6,643¾ Acres of plantations (under Imperial Forest Conservancy,) throughout the Presidency, of which 3,288 Acres are timber ; 287¼ Acres mixed ; 2,976¾ Acres firewood ; and 91¼ experimental.

6. The total expenditure from the commencement has been Rupees 3,60,691 5-10 excluding supervision, rent of land, or interest on capital, and the receipts, which are chiefly from Nelambur, Rupees 96,075-8-9.

7. I think the general results may be considered satisfactory, and have no doubt that almost all the plantations will not only re-pay expenditure, but yield a very large and constantly increasing revenue to Government, whilst providing for the supply of timber and wood fuel to the public and Government Departments.

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At the same time I cannot too strongly advocate the greatest care and consideration in the future undertaking of planting operations throughout the Presidency. It has been, I fear, too much the custom, both with regard to imperial and local planting, to commence and carry on operations without first counting the cost, and weighing well all the conditions on which alone planting can be successfully undertaken. It is not sufficient that a certain soil and climate will grow timber or firewood trees under certain conditions. It should be considered whether those conditions are as favorable as in other districts, and whether the district wants cannot be met cheaper, and with greater advantage, either by careful conservancy of its existing forests, or by indenting on other districts more favorably circumstanced as regards climate, cost of labor, means of conveying the produce to market by railroad or river, or an available area of Government waste land not required for cultivation.

Thus I very much doubt the expediency or necessity of planting teak in the Anamullay and Mudumullay forests or Sandalwood in Salem or Collegal, where I believe that equal, if not better, results could be obtained by carefully conserving and stimulating natural re-production in the indigenous forests.

8. It is further worthy of note that whilst the Teak Plantations at Nelambur appear to have cost on an average Rupees 67, per acre, those at Mudumullay and Bennay have cost Rupees 242. Again the Sandalwood planting in Salem has cost Rupees 138, whilst that in Sathiamungalum has cost Rupees 164 and in Collegal Rupees 211 per acre. In the case of the Teak Plantations, those at Nelambur are much older and on a more extended scale than those with which they are compared, whilst, on the other hand, the Salem Sandalwood Plantation is but in its infancy, whilst operations in Sathiamungalum and Collegal have been conducted for years. Doubtless much of the expenditure was incurred on fruitless experiments by the results of which Salem is now benefiting.

9. As regards firewood planting we have North Arcot, in which district the plantations appear to have cost all round about Rupees 34, per acre, whereas the estimates in South Arcot for plantations of a similar character, which are not shown in this Return as they have hitherto been local works, are much higher.

10. Without therefore attempting to generalize from the imperfect data now before us, I would urge the necessity of discontinuing any desultory planting on which much money has already been expended, and which is apt to find favor in each district under the present organization.

11. The expenditure for the half year under report has been Rupees 23,126-13-10 and the receipts (mainly from Nelambur) Rupees 5,890-15-1. The former has been mainly for up-keep of existing plantations, collection of seed and nursery management, and appears on the whole to have been judicious and necessary.

12. The Returns for Jungle Conservancy Plantations received from some districts in accordance with paragraph 2 of Circular No. 35, are submitted separately, and as most Collectors have not submitted them, I refrain from any comment, leaving it to the Board and Government to determine whether they should, for the future, be sent through the Inspector or not.

13. Firewood Reserves.—There are 91,345¼ Acres of Firewood Reserves throughout the Presidency, of which 14,414 Acres approximately may be classed as close or fully fenced in, and 76,931¼ Acres as open or unfenced. The expenditure from the commencement has been Rupees 78,589-13-11, including purchase of Malabar reserve, and the Receipts Rupees 2,153-1-9.

14. No reliable estimate can be formed of the stocked, half stocked, and bare areas from the Returns under review. These reserves differ of course widely one from another in value, and capability of improvement, and it will require several years of careful experiment and research to enable us to arrive at any really reliable conclusions as to the yield per acre. I may state that recent experimental felling in the oldest of the Salem reserves, gives an yield of 12 tons per acre, which is satisfactory. With proper management the yield per acre should increase each, year, as we divide the reserves into blocks in regular stalls of growth instead of retaining all defined areas in which trees of all descriptions and ages are mixed up together and blank spaces frequently occur. Statement B. exhibits the acreage, expenditure, and receipt in each district from the commencement.

15. From the remarks made on the Returns from each district, the Board will gather how much difficulty has been experienced in compiling any thing like reliable Returns, and how very far these now submitted are from what we really require. I find that many of our officers and Overseers consider it quite superfluous to estimate, even in the roughest manner, the areas, stocked and half stocked, or the approximate yield per acre. One Overseer of long standing in the department recently told me that it was quite *impossible* to say what an acre of ordinary jungle would yield if cut now, and still more what it might be expected to produce with careful conservancy after ten or fifteen years! So long as this feeling is allowed to remain unchecked, we can arrive at no definite ideas of how we stand; and lack the very rudiments of a forester's craft.

16. I beg that the Board will strongly impress this on all Collectors and their Forest Assistants. Estimates for the future are doubtless very speculative in our present state of ignorance, but experiments, and carefully recorded observations would soon give us data for forming fairly reliable conclusions as to our growing stock or capital in hand. This important matter appears quite to have been lost sight of up till now, and we therefore find ourselves nearly as much in the dark as we were at the commencement of these Firewood Reserves, for the area tells us nothing unless we have reliable estimates of the crop.

17. To facilitate the estimating, a fully stocked area should be represented by 10 and a bare space by O., and the ratio which any tract bears to one or the other be represented by the intermediate figures in the Forest Officer's Note book.

18. Whilst the expenditure in some districts has doubtless been well considered, and highly beneficial in others, it has been most wasteful, and productive of no good results. Fire traces have been partially cut one year and allowed to become grown over the next; fences have been made, and never maintained, and considerable sums expended for the formation of nurseries and planting out trees in pits, operations which are quite beyond the sphere of *Firewood Reserves*. It is hoped that this desultory expenditure has now been put a stop to, and that in future no operations will be commenced without a well considered plan and estimate of cost, and that when they are commenced, they will be conducted systematically and thoroughly so as to attain the object in view, viz., the largest possible yield per acre with minimum expenditure.

19. The total Expenditure for the half year has been Rupees 5,139-13-5, and Receipts Rupees 850-14-7. It should, of course, be borne in mind that we have not as yet commenced to fell in any of the reserves, and that the receipts are merely from collection of dead wood, fallen trees, grass, and tree rents, etc. The Returns for Jungle Conservancy Reserves are submitted separately, without review, as explained in paragraph 12.

20. I proceed to review the Returns seriatim premising that, as they deal except in the case of Malabar, South Canara, and Mudumullays with what may be styled the non-working season, the operations have been mainly preparatory and preservative; no large increase has therefore been made in the areas planted or stocked.

21. *Cuddapah.*—There is one red Sanders (experimental) Plantation at Codoor, and four Firewood Plantations known as Ooperapully, Reddipully, Pullumpett and Camalapoor. The total area under Plantations is given as 1,728 Acres, and the expenditure from commencement is Rupees 38,317-12-10. The areas planted and unplanted are not given, but Mr. Yarde promises to supply them with the next report, after accurate measurement. He reports that the condition of the older portion of the plantations is satisfactory.

22. *Codoor.*—The total acreage is given as 50 Acres containing upward of 21,000 trees expenditure during the half year Rupees 219-12-0, from the commencement Rupees 5,203-6-4 or as nearly as possible 4 Annas per tree. The work during the half-year has consisted principally in weeding and clearing brushwood in the younger portions of the plantations. There are about 10,000 seedlings in the nursery beds ready to plant out.

23. The area of the four Firewood Plantations is given as 1,678 Acres containing 2,03,396 trees, expenditure during the half-year Rupees 1,398-12-0 and from the commencement Rupees 33,144-6-6. The work of the half year has consisted chiefly in weeding, collection of seed, formation of nursery beds, channelling, and replacing casualties which are stated to have been 3,022 during the half year. Some watering was also found necessary during the hot months.

One lac and thirty-five thousand plants are stated to be ready to plant out from the nursery, but I observe that they still consist largely in slow growing timber trees which as already pointed out in paragraph 3 of my memorandum on the last report, (Board's Proceedings, No. 56/948, dated 22nd April) find no proper place in Fuel Plantations. I observe by the monthly Progress Reports, that Mr. Yarde's attention has been already called to this point by the Collector. I am glad to see that ploughing and broad cast sowing is being introduced in place of pitting, which is far too costly a method of growing firewood. Mr. Yarde complains of difficulty in getting ploughs and bullocks, probably the Collector can get the requisite number supplied through the Tahsildars if he has sufficient notice, but it might be found advisable if any considerable area is to be ploughed and sown in future, to purchase a few pairs of cattle and either dispose of them when no longer required, or make use of them for carting and dragging firewood, etc.

24. The expenditure on Fencing and Repairs should have been exhibited under the proper head (d.).

25. In his letter No. 145, dated 27th June, recorded in Board's Proceedings, No. 121-2081, dated 4th August 1874,) the Collector explains satisfactorily why some of the establishments are entered as hired and others as permanent, but he does not tell us why the cost of establishment for Camalapoor with an area of 247 Acres should be so much in excess of that for the other plantations of equal or greater areas; thus for the half year under review the Camalapoor Plantations establishment has cost Rupees 189, whereas that for Reddipully, with an area of 924 Acres, is only Rupees 78. The difference is doubtless capable of satisfactory explanation, but the mere fact that one is paid from B. Establishments, and the other from Working Charges does not explain it.

26. *Bellary.*—The acreage of the Ghooty Plantations is given as 404¾ Acres containing 62,000 trees, actual area planted not being given, expenditure during the half-year Rupees 213 from the commencement Rupees 9,188. As usual during the non-planting season the operations consisted of weeding, watering, collection of seed, etc. Three wells were deepened. The want of water was much felt in January, February, March and April, and even in May and June the rains were insufficient to admit of ploughing for broad cast sowing, and many seedlings perished from the drought. There are 10,000 seedlings ready in the nursery for planting out, but if we are to do any good in this district, it must be by broad cast sowing, of quick-growing trees.

27. I shall report on the subject of extended planting after visiting the district and consulting with Mr. Master; at present, operations are certainly on too limited a scale to admit of our having a separate officer or even Overseer for the charge. The Consulting Engineer for Railways is very anxious that we should arrange for a future supply of wood fuel in this district, in which there are 150 miles of railway, but I fear it will be found impracticable.

28. *Kurnool.*—The Collector submits copies instead of the original reports.

There would appear to be two small experimental plantations with a total acreage of 15½ Acres containing 945 trees, and the expenditure Rupees 1,714-9-0 from the commencement, but Mr. Boileau makes a remark regarding the expenditure which tends to show that no accurate accounts, for each plantation were kept from 1866 to 1870, and adds under column 4 "expenditure under all heads up to commencement of half-year" the words *from July* 1870, I presume, however, that he includes the former expenditure (Rupees 1,028-10-0) as well, otherwise we have a sum of Rupees 2,743-3-0 out of all proportion to the results. The expenditure for the half year is entered as Rupees 178-3-0, but there is an item of Rupees 5 under Permanent Establishment which requires explanation. The *work done* during the half-year is not stated.

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29. Mr. Boileau's letter which accompanies the Return is not encouraging, and is indeed a case of special pleading throughout, to the effect that the planting has been mismanaged in every way, and is a failure though he does not appear to have taken immediate steps to improve matters, and the Collector is silent on the subject. From Mr. Boileau's report it would appear that there are five gardeners entertained on the Woncarrum Plantation containing about 800 trees.

30. There would appear to be a nursery at Nundial, with regard to which Mr. Boileau reports, "as all work is stopped no report is needed."

It is clear that planting operations in Kurnool must either be abandoned or conducted on some more systematic and economical footing. I shall give the subject attention when I visit the district. Meanwhile all expenditure should be reduced to a minimum.

31. *North Arcot.*—The Collector submits copies instead of the original returns.

The total area taken up for plantations in this district is Acres 1,342, of which 815 Acres are reported as planted with 4,43,705 trees at a cost of Rupees 27,772-0-4; of the total area planted 106 Acres known as the Cheynoor and Ammerdy (6) Plantations are classed as mixed, and the remaining 709 Acres are pure firewood plantations of Casuarina, known respectively as the Trivellum, Veringepuram, Thengal, Keelminnal, Gazerlamundum, Vannivedu and Ammerdy (a) Plantations.

32. Of these, the Trivellum and Gazerlamundum Plantations containing 434·87 and 44·67 Acres respectively, are reported fully planted up with 1,80,498 trees; the former was commenced in 1868 and the latter in 1871. The Ammerdy (a) Plantation with an area of about 160 Acres has not yet been planted, but the nurseries are well stocked with seedlings. Taking the total area planted in comparison with the expenditure, we have a cost of Rupees 34-1-2 per acre, or 1 Anna per tree, but it is a noteworthy feature that there is no charge for establishment, although, I believe, that some portion of the fixed establishments are, or were, until recently, employed in the plantations.

33. It is difficult to apportion a fair share of the supervision charges to each plantation, but the pay of any employé drawing pay under B. Establishment, employed on plantation work should, in future, be debited to that work in these returns.

34. The operations in the half-year under review, have mainly consisted in fencing, watering, and formation, and stocking of nurseries, and the expenditure under all heads has been Rupees 3,679-12-6.

35. Mr. Sheffield reports that the whole of the Thengal Plantations has now been demarcated and fenced, but states that he has, as yet, received no plans. They have not up to date been received in this office.

36. The casualties during the half-year have been very heavy in the Trivellum and Veringepuram and Cheynoor Plantations, 15,000, 26,000 and 10,000 respectively, special reports on which have already been submitted. Sixteen thousand trees have been planted out during the half year. Sixteen thousand trees appear to have been planted out probably to replace casualties.

37. The receipts during the half year have been Rupees 32, and from the commencement Rupees 386-2-0.

Mr. Sheffield's report is clear and concise, and does him much credit.

38. *South Arcot.*—The Collector submits copies instead of the original returns.

The total area of Imperial plantations is only 17 Acres, of which 7·18 is planted. These plantations may be classed as experimental, being really mere topes formed in or adjoining the timber yards. The expenditure from the commencement is given at Rupees 469-10-10, for which 4,105 trees are reported established. During the half-year the expenditure has been Rupees 37-0-6 for watering and re-placing a few casualties.

39. Mr. Wooldridge seems to advocate the extension of the Chengum Plantation, but I doubt the expediency of so doing, as the soil is poor, and water scarce in the dry months.

A special report on this plantation has been received in accordance with Board's Proceedings, No. $1\frac{3}{4}$, dated 27th January 1874, and shall have attention in considering the subject of experimental planting generally.

The extensive Casuarina Plantation under Mr. Wooldridge's charge in other parts of the district are classed as Local or Jungle Conservancy works, under which head they will be noticed. Proposals are now before Government to transfer them to the Imperial Department.

40. *Trichinopoly.*—There are nine plantations (firewood) known as Elamanore, Kulitalei, Manathattai, Chithalradi, Checkonum, Kutlei, Kulamanickum, Karaippakum, and Varappakurichi. The total area planted is given as 185 Acres, unplanted 598 Acres, total 783 Acres. Expenditure from the commencement Rupees 19,158-3-9 or Rupees 103-8-0 per acre planted up.

41. The expenditure on the older plantations, especially Elamanore is exceptionally heavy, as they have been debited with extra travelling allowances of the Deputy Conservator formerly in charge of Madura, Trichinopoly, etc., and pay of an Overseer not always employed on them exclusively. The clearing of Prickly Pear has also formed a heavy item of expenditure, still I think that even the first crop will recoup all expenditure, and show a fair profit as rent of the land which was unprofitable waste when taken up by the Forest Department.

The receipts up to 30th June have been Rupees 1,371-5-1. The Assistant Conservator, (Mr. Hadfield) gives much unnecessary detail in his explanatory remarks which should be condensed in future.

42. The operations for the half-year have consisted in planting out 21,730 trees, clearing jungle and prickly pear, weeding and watering (the last a heavy item during March and April) the plants formerly put out, collecting of seeds, formation of nursery beds, sowing, etc. The expenditure aggregates Rupees 3,141-1-1 including the cost of establishment actually employed in the plantations. The number of seedlings ready to be planted out was 1,04,000, and it was proposed to plant 196 Acres during the current half-year. The results of the half-year's operations may generally be considered favorable, and the older portions of the plantations are doing very well.

43. *Coimbatore, Anamullay.*—There are three experimental timber (Teak) Plantations with a total area of 19 Acres, of which 13 Acres have been planted at a total cost of Rupees 3,050-12-11. The total number of trees established up to the end of the half year is 15,950, making the expenditure exclusive of supervision Rupees 0-2-11 per tree. There can be no object in prosecuting those costly experiments when by simply excluding men, cattle, and consequently fire from blocks of the forest and clearing away some of the less valuable trees, we can secure a natural re-production, and therefore I strongly advocate the cessation of all expenditure under this head, beyond the actual up-keep of the existing plantations which may be managed by the permanent establishments. The Collector, I believe, concurs in the view which Mr. Douglas himself advocates.

Mr. Douglas' remarks embodied in a separate letter to the Collector are very interesting, and deserving of attention. He explains fully how the planted and unplanted area is calculated, and adduces good reasons for the high percentage of failures and general non-success of the experiments at artificial planting; I quite endorse his view that the expenditure, considerable as it is, has not been wasted if it has taught as what *not* to attempt under the circumstances of the Anamullays.

44. The expenditure for the half-year under review is Rupees 452-7-0, representing the cost of weeding, exclusion of fire, and planting out of 10,390 trees, of which only 5,090 remained at the end of June. The planting was, indeed, a signal failure, owing as Mr. Douglas tells us, mainly to carelessness and unskilfulness on the part of the planters; the "irregularity of growth is most striking; healthy and vigorous trees vary from 4 to 20 feet in height." The vacancies have doubtless been replaced during the present half year, and the expenditure will probably eventually be recouped with ordinary care and attention.

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45. *Sathiamungalum Taluq.*—There is one plantation (Sandalwood) known as *old and new Tullamullai* area planted 69 Acres, with 500 Acres available for extension. The expenditure from the commencement has been Rupees 11,577-3-7, for which 65,700 Sandalwood and 2,600 Anatto (Bixa orellana) trees have been permanently established. The cost per tree has thus been Rupees 0-2-8 up to date, exclusive of pay of fixed establishment and supervision.

The state of the trees is reported good.

46. The operations for the half-year included planting out nearly 5 Acres or 3,900 plants, and watering, weeding, pruning, and manuring those planted in former years. The expenditure was Rupees 901-10-6. There were no casualties during the half year which is sufficient evidence of careful planting, the result of Colonel Morgan's long experience.

47. *Collegal Taluq.*—One plantation (Sandalwood) know as the *Bylore or Ballyrungum*, 56 Acres planted and 1,000 Acres available for extension. Total cost from commencement Rupees 11,828-4-0 (inclusive of cost of a water channel) for which 33,000 trees are reported permanently established, representing 5 Annas and 8 Pie per tree. This is double the cost of the Tullamullai Plantation in the adjoining taluq, and the difference calls for some explanation.

48. During the half-year the expenditure amounted to Rupees 1,230-7-3 for which 4,800 were planted out. The casualties however appear to have exceeded that number by 200, but Colonel Morgan states that the original 4,800 have all been replaced by Overseer Appavoo Moodelly.

49. The non-success of planting and heavy expenditure are attributed to an unfavorable season, and the prevalence of heavy south west winds which blew down the fence, and to the want of experience of Overseer Taylor, who has since been transferred to Tinnevelly. Overseers or Foresters cannot clearly be transferred from range to range like Tahsildars, or Revenue Inspectors, the duties being very different, and special knowledge often requisite.

50. *Neilgherry District, Mudumullay Range.*—Two timber (Teak wood) Plantations known as Mudumullay and Bennay, with a planted area of 78 Acres and 1,000 Acres available for extension. The total cost from the commencement is stated to have been Rupees 18,913-8-1, for which 80,000 trees are reported established, representing a cost of Rupees 242-7-8 per acre or 3 Annas and 9 Pies per tree, exclusive of pay of establishment, supervision, etc.

51. During the half-year the expenditure has been Rupees 984-9-7 for which 10,000 pits were dug, 8 Acres of land cleared, and planted with 10,000 seedlings, a channel opened from river bank to the beds, and the whole plantation weeded, pruned, etc.

The condition of the plantation is reported as good.

52. *Seegur.*—One timber (Sandalwood) Plantation known as Sembra Geddi, planted area 20 Acres, available for extension 500 Acres. The total cost from commencement has been Rupees 3,646-14-0, the number of trees established is not stated, but it is probable that there are about 1,000 to the acre.

53. During the half-year 6 Acres were cleared, pitted, and planted which, together with the cost of collecting seed and maintaining the old portion of the plantation, cost Rupees 376-2-1. There is an item of Rupees 12 under "Hired Establishment," which appears to call for explanation, as it cannot represent the whole of the establishment employed which has probably been included under "C Improvement and Conservation," and would appear too little for any watcher or guard who might have been specially entertained. The general condition of the plantation is reported good.

54. *Salem.*—There appear to be three small plantations known as Goondoor, Nagalore and Kanaveenagasoondrum, and classed as "experimental timber" which have cost Rupees 3,609-9-7 from the commencement, the results for which are not clearly stated in the Return, and there is no covering letter or explanatory memorandum.

55. Goondoor appears to have been commenced during the half-year, and Mr. Brougham explains that there has been an expenditure of Rupees 24-9-0 not exhibited, as the account had not been adjusted.

56. Nagalore is the old plantation on the Shevaroys, which formerly extended over much more than 4 Acres and was planted with *Cedrela Toona* and Eucalypti, but the former at least appear to have failed. It appears now to contain only 685 trees.

57. Kanaveenagasoondrum is an experimental Sandalwood Plantation, in the Denkinikottah Range, consisting of 2½ Acres planted, with an equal area available for extension—2,389 trees are reported established.

58. I think it very doubtful whether any of these planting experiments should be persevered with, certainly not until detailed estimates and reports of what is ultimately proposed are submitted in accordance with orders.

59. Planting at Goondoor was tried by Mr. Arbuthnott, when Collector of Salem, and failed, and though Mr. Brougham may make it succeed, I fear it will be very costly. Nagalore, on which much labor and money has been expended, when I was in the district, appears also to have been unsuccessful, and with regard to the Sandalwood Plantation, I believe that we can do much better by conserving natural blocks of Sandalwood jungle, than by artificial planting; but on this point I should state that Colonel Morgan, whose opinion is entitled to great weight, does not agree with me.

60. No mention is made of the Mullapuram Firewood Plantation alluded to in the review of the last reports and, I presume, it is included in C. Reserve as reported, by the Collector, (Board's Proceedings, No. 144-2,409 of 27th August). The Puchoor Plantation has been given up.

61. Operations during the half-year have, so far as we can judge from Mr. Brougham's meagre remarks, consisted in planting out twenty trees and forming nurseries at Goondoor, and replacing two hundred and eighty-four casualties at Kanaveenagasoondrum. This has cost Rupees 165-6-7, chiefly on account of establishment actually employed on the plantations. I cannot consider the results satisfactory, and as stated in my former memorandum, would advise that planting, as apart from improvement of firewood reserve, operations should, for the present at least, remain in abeyance in this district.

62. *South Canara.*—There is one Timber Plantation (Teak) known as Parapa. The planted area is given as 75 Acres, containing about 90,000 trees, which have cost up to the end of the half-year Rupees 6,572-3-2, excluding some Rupees 200 not yet adjusted by bills.

63. The area unplanted is stated to be indefinite, and Mr. Cherry explains in a foot note that although 75 Acres is the area regularly planted in lines, there has been much planting and improvement of indigenous teak trees in the surrounding forest. If it is intended, however, to maintain the plantation and carry on systematic operations, I think the total area available had better be ascertained and classed as planted or unplanted according as it is stocked with trees or not.

64. The expenditure during the half-year was Rupees 162-2-0 excluding the Rupees 200 referred to above.

65. Mr. Cherry states that the operations carried out include scattered clearings comprising some 15 Acres "which have been pitted, and prepared for the present monsoon's planting." I should have thought that the month of June, in South Canara, would have been the proper time to plant out. Mr. Cherry gives no information as to the number of seedlings, he had, available for this purpose in his nurseries, nor does he give any information as to the general state of the plantation. There were 1,500 casualties during the half-year from what cause is not stated.

66. *Malabar Nelambur Range.*—There are two Timber Plantations (Teak) known as Nelambur and Amarapoliem with a planted area of 2,990 Acres which has cost from the commencement Rupees 2,01,173-10-9 or Rupees 67-4-6 per acre, but the receipts have been Rupees 94,318-1-8, leaving the net cost per acre at Rupees 35-11-9, but I am not sure whether this includes the full pay of the establishment either formerly or during the half year. From Mr. Macgregor's report printed with the annual Administration Report for 1872-73, I gather that it does, but that the purchase money of land amounting to Rupees 94,000 is not included.

67. There is some discrepancy as to the area "unplanted" in the Nelambur Plantation in Mr. Stanbrough's return, for, he enters it as 300 Acres in the column for that purpose, but increases the total by 3,000. I observe that Mr. Macgregor in the report, referred to above, gives the total area as 18,615 Acres but this properly includes a considerable portion unfit for planting. It would be as well to have these points definitely settled so as to ensure accuracy in future reports.

68. During the half year under review the expenditure has been Rupees 9,758-6-3, for which 84 Acres containing 84,000 trees were planted out in the Nelambur Plantations, and from Mr. Stanbrough's remark 43, apparently in the Amarapoliem Plantation, but this last is not included under "Results." Seventy-three Acres were cleared and pitted in the latter plantation, and the whole were weeded, pruned, fire traced, etc., though this is not stated by Mr. Stanbrough whose report is not so carefully prepared as could be wished. The receipts for the half-year were Rupees 5,431-9-0. From the monthly Progress Reports I gather that operations have been fairly successful, and that the Collector is satisfied with Mr. Stanbrough's supervision.

69. *Palghat Range.*—The report deals with two mixed plantations, formerly classed as firewood, known as Nochipully and Pooliampully, with a planted Area of 181¼ Acres which have cost Rupees 7,150-9-1 from the commencement, and Rupees 93-14-6 during the half-year, for which 46,500 trees of various description are reported established.

As these plantations have been merged in the adjoining forests of Chenat Nair on my suggestion approved by the Collector (*Vide* Board's Proceedings, Forest No. 180-2,732 of 23rd September 1874,) it appears unnecessary to offer any further remarks. There should be no more expenditure on account of establishment.

FIREWOOD RESERVES.

70. *Cuddapah.*—There are five Firewood Reserves known as Baulpully No. I. and II., Sullaguntachanoo No. III., Codoor Hill No. IV., and Yerragoontacottah No. V., with an estimated area of 9,230 Acres. The Deputy-Conservator makes no attempt at dividing the area into stocked, half stocked, and bare, which is of great importance to enable us to estimate our yield per acre, and should be at once commenced. Meanwhile the total area has been *classed* as half stocked.

71. The expenditure from the commencement has been Rupees 3,445-0-11. Nos I. and III. are thoroughly fenced. Fencing is in progress in Nos. IV. and V., but has not yet been commenced in No. II.

72. The Collector has explained (Board's Proceedings, No. 121-2,081, dated 4th August 1874, the points alluded to in last Report, and justified the retention of two watchmen for Nos. I. III, and V., but I have to remark, with reference to the concluding paragraph of his letter that it has been decided not to include Fuel Plantations in the area required for Fuel Reserves, and that the full estimated extent of 20 square miles of natural jungle, should therefore be reserved if available.

73. The expenditure during the half-year has been Rupees 252, representing the pay of the watchers, up-keep of a nursery in No. III. Reserve, and protection from fire. Mr. Yarde states that greater progress would have been made had it not been for great heat in the months of March, April and May, but we do not expect progress in the non-planting season if fires, cattle, and goats are excluded, it is all we can reasonably hope for. Mr. Yarde further states that there is a delay in carrying on the fencing owing to doubts as to some Shotriemdar's boundary, which has doubtless since been settled.

74. *North Arcot.*—The Collector signs the Return, which has therefore, I presume, been drawn up by him and not by Mr. Sheffield. He includes the Amboor Reserve (A.) of 3,840 Acres, which I have excluded from the general Return, as no final orders have been passed for its constitution and enclosure. There is therefore only one reserve known as B. or Mamandur, with an area of 2,560 Acres. The expenditure from the commencement has been Rupees 2,359-4-5, exclusive of Rupees 222-10-6 expended in the Amboor Tract.

75. The expenditure during the half-year has been Rupees 72-2-6 for which the fences have been kept in good repair, seed collected, and inspection paths commenced. At the date of submission of the report all work was at a stand-still for want of labor.

76. This district is still 4,480 Acres short of the estimated reserved area required, as remarked in my last memorandum, and it is hoped that Government will pass early orders to enable us to make good the deficiency.

77. *South Arcot.*—There are ten Reserves, classed as Imperial, known as Moottacadoo, Siroovady, Cottamangalam, Padepallam, Perryamoor, Gungavarum, Modenai, Chinnasamoodrum, Paringolathoor, and the Cusba Reserve (Trinomalay).

78. The estimated area is 40,550 Acres of which 14,000 Acres are classed as stocked. Twenty three thousand seven hundred and fifty Acres half stocked, and 2,700 Acres bare, but as the tracks have never been surveyed, the estimates may of course be wide of the truth. The expenditure from the commencement has been Rupees 6,980-14-8, not including any share of supervision, office, etc. The receipts have been Rupees 398-12-4. These reserves have recently formed subject of correspondence and will, it is hoped, be shortly demarcated, surveyed, and the requisite permanent establishment employed for their conservancy and improvement.

79. During the half-year, the expenditure was Rupees 973-15-8, and receipts Rs. 376-15-4 Seven thousand nine hundred and twenty-six trees were planted out, and owing to unfavourable weather 15,812 died, leaving the total established from the commencement to fill up bare places at 84,210. This is not unsatisfactory, considering that, meanwhile, the whole jungle has also been conserved, and fire excluded for less than Rupees 7,000 in all, the main portion of the receipts having meanwhile been credited to Jungle Conservancy, of which we have no return.

80. The Deputy Conservator must, however, trust more in future to natural reproduction and dibbling in of seed, than planting out from nurseries into pits.

81. The Collector sends a copy of the Deputy Conservator's report instead of the original, which appears unnecessary, and causes delay in submission.

82. TRICHINOPOLY.—There are five Firewood Reserves known as Lalapett, Tanimallai, Punjuntangi, Minnacaradoo, and Sripurandum with an estimated area of 2,734 Acres of which 2,100 Acres are classed as stocked, and the remainder half stocked and bare. I have included the 476 Acres in the Sripurandum Reserve, with regard to which Mr. Hadfield appears doubtful in the half stocked area.

83. The expenditure from the commencement has been Rupees 3,904-7-2, and the receipts which are all from the Lalapett Reserve Rupees 715-10-2.

84. From personal inspection, I can state that the Punjuntangai Reserve is nearer 5,000 than 1,000 Acres in extent, and I believe that these reserves will well repay expenditure, and prove very valuable on the opening of the South India Railway extension. Mr. Hadfield remarks, with reference to the Sripurandum Reserve, that there are 20,000 Acacia Arabica trees in 50 Acres which is satisfactory. Operations during the half-year have consisted in fencing, collection of seeds, and formation of nurseries.

85. Planting out from nurseries will never pay in these reserves, and Mr. Hadfield must trust to sowing "*in situ*" and natural reproduction by the exclusion of fire and cattle, for recovering the bare and half stocked area.

86. The expenditure during the half-year was Rupees 397-14-4, consisting mainly in the pay of the maistry and watchers employed to prevent fire and cattle trespass. The receipts during the half-year from the Lalapett Reserve were Rupees 63-11-7.

87. TINNEVELLY.—The reserves consist mainly of tank beds which have been conserved and sown with Acacia Arabica. They have been divided into four circles for the purpose of inspection, and I think it will suffice in future if we deal with the total area, expenditure, and receipts of each circle.

88. The estimated acreage is not given, but I have exhibited that shown in the forme report by the Collector, viz., 2,000 Acres, and classed it all as half stocked, in accordance with

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the Deputy Conservator's return. I observe that, whereas at the date of last report there were nineteen reserves, there are now twenty-five, but no explanation as to the increased number is given nor any estimate in the column of remarks of the number of trees. This should be rectified in the next return.

89. From personal observation, I have reason to believe that Mr. Hayne never really knows, from month to month, what area may and may not be placed under his charge as Imperial Forest Officer by the Collector, and therefore experience some difficulty in knowing what to class as Fuel Reserves. This should not be. The orders of the Government of India on the subject of Forest Reserves should, I think, apply equally to Firewood Reserves, of which a register should be kept and no tract alienated without the sanction of Government. I have recently addressed the Board on this subject, with reference to Proceedings, No. 187-2,793 of 28th September 1874. It is most important in this district that we should know exactly the area and number of trees, in order to provide for the fuel supply of the South India Railway extension.

90. The expenditure from the commencement is given by Mr. Hayne at Rupees 7,065-0-8, but there is a discrepancy in the Return under *Manur Kolum* and in the column of "expenditure under all heads up to commencement of the half-year." In the former, the *total* expenditure would appear to have been Rupees 186-4-0 and not 261-15-0, an error which appears to have been rectified without remark in adding up the totals of all expenditure. In the latter the figures give a total of Rupees 2,830-10-7 and Rupees 5,887-4-4 and not Rupees 2,840-10-7 and 5,897-4-4 respectively. The excess of Rupees 10 has therefore been deducted; with ordinary care such errors should not occur. The total receipts have been Rupees 103-11-3.

91. The expenditure for the half-year amounts to Rupees 1,167-12-4, consisting mainly of the pay of Kavulgars and collection of seed, of which 300 measures were sown in No. I Circle. The Deputy Conservator has done his best to exhibit the expenditure accurately under each head, and for each reserve, and has included the pay and travelling allowance of the Overseer in charge under "*permanent;*" and that of the Writer, Office Peons, Maistries, and Kavulgars under "*hired*" as they are paid from Working Charges, as already remarked in reviewing the North Arcot Return, paragraph 33, some definite orders are necessary for exhibiting those charges. Meanwhile the Tinnevelly Return is so far satisfactory as it exhibits exactly the total expenditure incurred exclusive of Supervision and Office contingencies which cannot well be included. The next Return will, it is hoped, give us more information regarding work done, but it is important that the Deputy Conservator should know exactly what is expected of him, and not be considered bound to take over, for Imperial conservancy, every tract which cannot be conveniently maintained from Jungle Conservancy Funds.

92. *Coimbatore District, Mettupolliem and Bolamputty Range.*—There are three Firewood Reserves near Mettupolliem known as the H. K. and M. or Nos. I., II., and III. The total estimated area is given as 8, 6 and 5 square miles respectively, but, as orders have recently been passed altering and circumscribing the boundaries, no reliance can be placed on the estimate. The expenditure from the commencement has been Rupees 2,060-6-0 and Rupees 13-1-0 during the half-year mainly on account of fencing which, in the case of the M. Reserve, has cost upwards of Rupees 1,400 and is of no use.

93. I do not understand how the watchers, who were employed on these reserves, have been paid, probably they were Tannah peons on the fixed establishment. Mr. Wedderburn has now ordered the entertainment of Iruler watchers for each tract.

94. The Walliar Reserve in Coimbatore which it is proposed, in future, to style the Sholacurray Firewood Reserve, to distinguish it from the Malabar Walliar Reserves (Board's Proceedings, No. 180-2,732, dated 23rd September 1874,) has cost up to date of return Rupees 12,616-2-11 and the receipts have been Rupees 559-1-6. The area is "not known," though I observe that it was given in the former reports as 1,010 Acres. The results have hitherto been, as already reported, very unsatisfactory.

95. The expenditure during the half-year has been Rupees 409-8-1 mainly on account of the pay of a maistry and permanent coolies who have now been dispensed with as useless. Two watchers are now in charge. Five thousand and eighty casualties are reported, and 2,600 trees appear to have been planted out. Those are chiefly of descriptions which should find no place in a Firewood Reserve. As Mr. Morgan remarks we must trust mainly to natural reproduction aided by dibbling in of seed of quick growing trees. Exclusion of fire and goats is of paramount importance.

96. *Salem.*—There are eleven reserves known as A., B., C., D., and E., and Ummanary, Pellapully, Koonapa, Combai, Utengherry, Singarapett and Kurroor, with an estimated aggregate area of 19,369 Acres, the formation and maintenance of which have cost Rupees 15,276-5-7 from the commencement, including pay of the establishment actually employed in them, and the receipts up to date have been Rupees 375-8-0. Some of these reserves are fenced or "close" and some are unfenced or "open" but Mr. Brougham's report gives no information on this head, though with regard to the three last he states that "fencing work is under progress." He further states that "no estimate can be made of the bare spaces" but I think it imperative that this should be done by degrees, in order that we may arrive at some conclusions, as to the "stocked," and "unstocked" area, and be able to judge of the progress made by comparison of the areas actually under crop. This will, of course, be a work of time, and at first the estimates will of necessity be rather vague. still I think a commencement should be made. Meanwhile the total area has been transferred from stocked to half stocked class to which it more properly belongs. The Collector in his letter to the Board, recorded in Proceedings, No. 144-2,489, dated 27th August, adduces adequate reasons for the retention of all the reserves, pending actual survey and experimental coppicing in the older reserves known as A., B., C., D., and E. I may state that experimental coppicing in the A. Reserve have already been carried on over 10 Acres, with the satisfactory yield of about 12 tons, per acre, and that the trees, chiefly *Acacia Arabica*, are reported as sprouting freely from the stalks.

Full details of this will be given on receipt of Mr. Brougham's official report, and in the next half-year's return.

97. Operations during the half-year include the broad-cast sowing of 28¼ Acres with *Acacia Arabica*; opening of 9,525 pits, of which 1,400 were washed away by rain; reopening of 144½ chains of channelling, and fencing of the Utengherry reserve. The expenditure has been Rupees 1,425-5-8, of which the charge for permanent establishment, amounting to Rupees 383-1-9, appears to be equally divided betwixt all the reserves without reference to area. Some definite system must be adopted with regard to the apportioning of these establishment charges.

98. The Acting Deputy Conservator should, I think, state concisely in his next, the progress made, and general condition of the reserves, either in the remark column or in a separate memorandum. It would be interesting to know if fire had been totally excluded from the reserves, and the results of the admission of cattle from the neighbouring villages under certain restrictions.

99. *Malabar District, Palghaut Range.*—There are two tracts classed as Firewood Reserves known as Poolambarai (Walliar) and Olavacode, but as the latter contains no trees, and is to be abandoned, it need not be considered.

100. The gross expenditure from the commencement has been Rupees 24,892-3-7, which is mainly the purchase money of the Poolambarai tract. The area is given as 1,712¼ Acres, and with the tract recently purchased will form a most valuable reserve. It is proposed to style the whole "The Walliar Firewood Reserve," and alter the name of the Coimbatore Walliar Reserve to "Sholacurray Firewood Reserve" which, I think, a good idea.

101. The Expenditure during the half-year has been Rupees 500-1-4 and Receipts Annas 8-6, but there is no information given as to the nature of work done. The expenditure is all classed under protection from fire, and hired establishment.

I hope we may have some details of work for the current half year. The Collector sends a certified copy of the Return, instead of the original, which appears unnecessary.

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102. I think it would be better if the Tahsildar submitted his report to the Head-Assistant at Palghaut who could send it on in original with his remarks through the Collector, the office copy being available in the Tahsildar's Cutcherry.

103. I have transferred the whole area of Poolambarai from stocked, as shown in the range Return, to half stocked, to which it more properly belongs.

Enclosure No. 1.—Report on the Plantations in the several districts of the Madras Presidency for the half-year ending 30th June 1874.

Enclosure No. 2.—Report on the Firewood Reserves in the several districts of the Madras Presidency for the half-year ending 30th June 1874.

Enclosure No. 3.—Statement A. showing the extent of existing Plantations (under Imperial Forest Department) in each district, and the class to which they belong, etc., for the half-year ending 30th June 1874.

Enclosure No. 4.—Statement B. showing the extent of existing Firewood Reserves (under Imperial Forest Department) for the half-year ending 30th June 1874.

Enclosure No. 5.—Report on the Jungle Conservancy Plantations in the several districts of the Madras Presidency for the half-year ending 30th June 1874,

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Enclosure No. 6.—Report on the Jungle Conservancy Firewood Reserves in the several districts of the Madras Presidency for the half-year ending 30th June 1874.

Enclosure No. 7.—Circular.

Office of Inspector of Forests,
Ootacamund, 16*th November* 1874.

No. 430.

From

Captain CAMPBELL WALKER,
Officiating Inspector of Forests,

To

J. GROSE, Esq.,
Secretary to the Board of Revenue.

Sir,

I have the honor, in continuation of my Report, dated 4th November 1874, No. 410, to submit the half-yearly Returns of Plantations and Firewood Reserves for the Districts of Ganjam and Madura as received from the Collectors.

2. The Collector of Ganjam submits a blank Return, and states that there are "no Fuel Reserves or Plantations in this district." Mention is distinctly made of an experimental plantation (teak, etc.) in the Administration Report for 1872-73, and a small allotment under this head which I had struck out in revising the Budget for the current year was eventually retained for its upkeep.

3. The Collector of Madura states that "there seems to be no reason for the delay" which has occurred in the submission of the reports, and Mr. Williams, in his forwarding letter, dated 22nd October, vouchsafes no explanations; copies of the Deputy-Conservator's Returns are submitted instead of the originals which, as already pointed out, appears unnecessary.

4. There are four Plantations, of which Nos. I. and III. are Experimental timber (teak) No. IV. Experimental firewood (*Acacia Arabica*), and No. II. the small Plantations of *Eucalypti* and *Acacia* on the Pulney Hills.

5. No. I. VANNATHI PARAI.—5½ acres containing 4,315 trees. Cost from the commencement Rupees 1,242-10-10, during the half-year Rupees 69-2-2.

The results are good, but the expenditure has been high. Mr. Williams submits a statement of measurements of trees in the several plantations. I would not recommend any extension of this plantation at present for reasons already given in my Inspection Report, and the expenditure should be reduced to a minimum.

No. II. KODAIKANEL (*Eucalyptus* and *Acacia*).—There are really two distinct plantations extending over 21⅓ acres, though the expenditure appears to have been lumped. The total has been Rupees 2,071-1-5 from the commencement, and Rupees 129-6-0 during the half year. 7,523 trees are reported established; the area remaining unplanted is not stated, but it probably extends to about one-half of that entered as planted.

The Collector states that, "much of that planted (near the Post Office) is unsuitable, and the rest of the ground in the vicinity is still worse;" after recent careful inspection, I cannot agree with him.

The land was originally the site of the native huts, and, on their removal, it was determined to plant it. Although not such as might have been otherwise selected, it is, with the exception of some rocky portions which have not been planted, fairly good, and the trees are generally thriving, though many were planted out too young from the nursery beds. I would plant up the remaining portion next year and then close the plantation. The same course should, I think, be adopted with the Acacia plantation at the other end of the lake. As reported to Government it is the unnecessary delay which has occurred in planting up the total areas which has materially enhanced the expenditure.

No. III. VALANCOMBAI (TEAK).—2½ acres containing 2,112 trees. Cost from the commencement Rupees 537-5-9, during the half-year Rupees 60.

Area available for extension not known, but the Collector states that he has directed the Tahsildar of Pulney to ascertain it. I requested Mr. Williams to do this last July, and regret to learn that land has been granted in the vicinity on putta during the last two years. If I mistake not orders to the contrary were issued at the time the experiment was commenced.

The growth has been very favorable, though the trees have been ruined by over-pruning as stated in my Inspection Report now before Government. If not less than 100 acres of suitable land are available, I think planting should be extended as it will eventually prove valuable for local purposes.

No. IV. SATHANGUDY (FIREWOOD).—75¾ acres sown broadcast. Cost from commencement Rupees 457-4-10, during the half-year Rupees 373-11-7. Results have hitherto been unsatisfactory, and unless this year's are very promising I would recommend that the experiment be abandoned, and our efforts restricted to tank-beds and reproduction in natural jungles.

6. FIREWOOD RESERVES.—I entirely concur with the Collector in his remarks regarding the non-existence of any real Firewood Reserves. Nothing has really been done in this respect, notwithstanding the repeated orders on the subject.

To class an unknown and undemarcated area of open jungle as a firewood reserve is to misapply the term, and still more to so designate a bare hill side selected and enclosed by the Sub-Collector at the expense of Jungle Conservancy Funds as an experiment. I cannot too strongly deprecate such a system, which would only mislead the Board and Government. I have pointed this out to Mr. Williams when I visited the district, and drawn his attention to the orders regarding the formation of reserves which were amongst the records of his office. I am astonished at

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his continuing to exhibit as *Reserves* the open tracts referred to, and regret exceedingly that after the care and trouble taken in selecting and reporting on suitable blocks, the reservation of which was approved of by Government (G. O. Nos. 541 and 1,064, dated 24th March and 15th June 1871,) no progress has been made since 1871. I have referred to this point also in my Inspection Report, and consider that the real demarcation, survey, and reservation of blocks of firewood jungle is one of paramount importance in the Madura District. The expenditure is entered as *nil*, but on my recent inspection Mr. Williams gave the care of these tracts as his main reason for entertaining a number of watchers paid from working charges. I am not aware to what head this charge has now been debited.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) CAMPBELL WALKER, Captain,
Officiating Inspector of Forests.

ENCLOSURE No. 1.—Ganjam Collector's, forwarding letter on the half-yearly Report of Plantations and Reserves for the half-year ending 30th June 1874.

ENCLOSURE No. 2.—Half-yearly Report on the Plantations and Firewood Reserves in the Ganjam District for the half-year ending 30th June 1874.

ENCLOSURE No. 3.—Madura Collector's, forwarding letter on the half-yearly Report on the Plantations and Reserves for the half-year ending 30th June 1874.

ENCLOSURE No. 4.—Mr. William's letter to the Collector of Madura, forwarding his half-yearly Report on the Plantations and Reserves for the half-year ending 30th June 1874.

ENCLOSURE No. 5.—Half-yearly Report on the Plantations of the Madura District for the half-year ending 30th June 1874.

ENCLOSURE No. 6.—Half-yearly Report on the Firewood Reserves in the Madura District for the half-year ending 30th June 1874.

ENCLOSURE No. 7.—Statement showing the measurement of trees in the Madura District Plantations.

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From R. DAVIDSON, Esq., Acting Collector of Ganjam, to the Secretary to the Board of Revenue, dated Chetterpore, 8th June 1874, No. 1,379.

I HAVE the honour to reply to the Board's Proceedings of the 29th May 1873, No. 897, calling for a report as to how the rights of ryots and the State in regard to fuel and timber can best be reconciled.

2. The problem is a difficult one to solve, but I think that difficulty would be met in a great measure if not overcome by the adoption of a scheme somewhat after the following fashion.

3. I premise by assuming that the recognized privileges of the ryots are these, viz., to cut unreserved wood for their domestic purposes, for their implements of husbandry, and for building their houses, fences, etc.

(1.) I consider it essential to the attainment of the object sought by the Board that the limits of those tracts of forest which Government intend to reserve should be clearly defined and distinguished from unreserved tracts; and I think that a liberal margin of unreserved jungle should be left, where the ryots may exercise their special privileges conveniently and unmolested. The demarcation of the reserved tracts should be effected in such a manner as to preclude all possibility of doubt in regard to reserved and unreserved areas.

(2.) I entirely agree with the Board in thinking that where the leasing of the right to collect seigniorage exists it should be altogether prohibited. It does not obtain in this district.

(3.) I am of opinion also that no interference should be exercised with the rights of the people of villages surrounded with forest to cut wood not specially reserved for consumption in various ways in their villages.

(4.) Ryots should be allowed to exercise their privileges, as set out in paragraph 3, only in unreserved tracts, save as provided in (3). All others should pay seigniorage through the channel prescribed in (5).

(5.) In reserved forests wood required for any purpose, either by ryots or others, should be felled and removed only upon permits furnished by the Forest Department and on payment of seigniorage into the Taluq Treasury; the Forest Department being held responsible that no other descriptions of wood than those mentioned in the permits are removed.

(6.) Every infringement of these rules should be visited with a very severe penalty, while a corresponding reward should be given for such information as may lead to a conviction for breaches of the same.

4. The advantages of some such scheme as that which I have suggested appear to me to be these—

(1.) The interests of Government will be fully secured if the reserved boundaries are clearly defined and the Forest Department does its duty efficiently.

(2.) There will be a minimum of vexatious interference and oppression by middle men.

(3.) Whatever rights the ryots may possess will be preserved to them in the unreserved tracts, which should be of such dimensions as to meet all their requirements.

(4.) No extra charge in the shape of increased establishment or otherwise need, I think, be entailed on Government.

5. In my letter to the Board, No. 1,265, of the 21st May last, I suggested that the Inspector of Forests (or an Assistant) should be deputed to define the reserved tracts in this district where the forest revenue is on the decline.

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From J. R. DANIEL, Esq., Acting Collector of Vizagapatam, to the Secretary to the Board of Revenue, dated 2nd October 1873, No. B.

In reply to the Proceedings of the Board, No. 27, dated May 29th last, Forest, I have the honour to state that I am not able at present to suggest any scheme for reconciling the rights of the State and the ryots in regard to fuel and timber.

2. I have not yet been able to visit the part of the district in which the forests are situated, and the Principal Assistant Collector in whose charge these are, states that he can think of no such scheme.

3. I shall give my best attention to the subject when I go to the parts; but as I shall not be able to go there immediately, I will not delay my reply.

1371/41

From W. S. FOSTER, Esq., Acting Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 23rd September 1873, No. 313.

I HAVE the honour to forward the report called for by the Board in paragraph 7 of their Proceedings, No. 897, dated 29th May 1873, on the question of seigniorage on firewood, and how best to reconcile the rights of the ryots and the State regarding fuel and timber.

2. In this district the leasing system which seems to have led to such bad results in Coimbatore does not exist. All seigniorage is collected by the village officers under the commission system, under the Board's Standing Order No. 86. So far as can be gathered, this system appears to have worked well as regards the ryots. Very few instances of oppression have come to light, and complaints are scarce. But whether the interests of the State have been properly guarded is very questionable. It is more than probable that quantities of timber have been cut and carried to villages other than those which have the right to cut it, free of impost.

3. The free pass system appears to be very objectionable to the ryots in Coimbatore, so much so that they prefer sooner to pay seigniorage, than to incur the trouble and inconvenience of procuring the licenses. If this is the case, that system might well be abolished. The rights of the ryots would remain unimpaired, and the Government rights would suffer no more than before.

4. That done, the only point for consideration is how best to secure the interests of the State in preventing wood for which Government is entitled to a seigniorage, from being cut without the due collection of that seigniorage.

5. It is clear that the head of each village is the only officer of Government who is capable of judging for each ryot, whether his position gives him the right to cut wood free or not; and he therefore seems to be the only person who can properly protect the Government interests. That partiality and fraud will always decrease the Government revenue, whoever are the employés occupied in the work, cannot be denied. But, as in other matters, it seems to me that we *must* trust to the village officers to deal fairly with the ryots and with the State.

6. It is clear also that the State interests cannot be protected without establishing a regular cordon of watchers round all the forests to prevent timber being smuggled out of the jungles for purposes of sale, and this machinery must necessarily be cumbrous and expensive.

7. The main question to decide therefore is, who are to collect the seigniorage, and how is the collection to be checked, and oppression and inconvenience to the ryots prevented.

8. I think, with Mr. Wedderburn, that the contract system is on the whole the best, or I would suggest that all the jungle watchers should be employed by the contractors, not as subordinate servants of Government, but as private servants of the contractor. The check or smuggling would, under this system, be more effectual. The only defect of the present system is, that ryots entitled to carry wood free are so harassed by the inconvenience of proving themselves entitled to it, on each occasion of their being stopped, that they prefer to pay seigniorage. I think all this would be put an end to, if a system were adopted under which the ryots should receive the benefit they are entitled to, not, as at present, by an exemption from seigniorage on each occasion of their requiring wood for legitimate purposes, but by some such plan as the following :—

9. I would have an estimate made of the annual value of the wood which would probably be used by each ryot during the year for purposes for which he is authorized to cut wood without payment. This privilege is possessed by persons *bona fide* cultivating the soil, and possessed by reason of their doing so. The privilege of cutting wood free of tax is therefore inseparably connected with cultivation and with the Land Revenue. It would therefore be perfectly easy and perfectly regular to deduct from the amount of each ryot's putta a sum representing the value of the amount he would probably require during the year, and compelling him to pay like others whenever he required wood.

10. If this system were adopted, all persons cutting wood would be bound to pay the same seigniorage, the cultivator's rights being reserved by deductions from his land tax. It would therefore prevent any confusion, it would do away with oppression, it would preserve equally the rights of the ryot and of the State, and it would further have the very desirable result of checking that indiscriminate cutting of wood which is now doing so much harm to our forests. Ryots would only cut what they actually want.

11. I enclose copies of the Reports of the Division Officers.

ENCLOSURE No. 1.

From J. F. SNAITH, Esq., Acting Sub-Collector, to the Acting Collector of the Godavery District, dated Rajahmundry, 19th July 1873, No. 242.

IN reply to your Docket No. 196, dated 23rd ultimo, I have the honour to report as follows on paragraph 7 of the Board's Proceedings, dated 29th May last, No. 897 (Forest No. 27).

2. Seigniorage on firewood and timber is collected by village officers on the commission system, as the jungles in this district are not placed under the control of the Forest Department, and as they are not leased out to contractors.

3. The system of giving free passes for cutting wood gratuitously does not appear to be prevalent, though it is reported that such are granted in a very few cases, and even those in the case of persons who cut wood in the jungles of other villages than their own. There is no instance on my records in which the officers of any village illegally demanded or collected any money in the shape of fee or tax from persons entitled to the free cutting of wood. There is therefore no reason to believe that the privileges of the people are infringed, at least to an appreciable degree.

4. It remains to be considered whether the right of Government to seigniorage is abused. It is possible to say that the ryots cut timber free of tax under pretence that it is required for their houses and send it to their friends or relatives, who are not entitled to it free. If this commerce is carried on by the ryots of the villages to which the jungles do not belong, the authorities of the villages to which the jungles belong have fewer opportunities for detection than the officers of the villages of which the delinquents are residents. Under the present system of not giving passes, the officers of the villages to which the jungles belong excuse themselves by saying, that they are not aware of the transaction, and the officers of the villages in which the offenders reside plead that they do not know whether the timber so misapplied was cut free or on payment of seigniorage. To remedy this, I propose that a ryot desiring to cut timber free in an authorized jungle of a village in which he does not live should obtain a free pass from the authorities of his own village or from those of the villages to which the jungle belongs. Of course these passes will be granted with reference to the actual requirements of the applicants. I would not extend this restriction to the resident ryots, since the village officers have means of detecting any misapplication on the part of the people cutting.

5. As regards firewood and agricultural implements, I do not propose the introduction of the system of giving free passes, as the inconvenience resulting from such a system would be universal. The village officers will, of course, have a careful watch against misapplication. In villages, especially in those which are situated close to or in the midst of jungles, people generally get firewood at a time in small quantities, sufficient for two or three days consumption. If free passes are to be granted, these men will have to resort to village officers every time they get firewood. This will cause much trouble and annoyance on the part of the people on one side, and a great deal of unnecessary work on the part of village servants on the other.

From E. L. PEARSE, Esq., Acting Head Assistant Collector, to the Acting Collector of the Godavery District, dated Ellore, 3rd September 1873, No. 189.

WITH reference to the Proceedings of the Board of Revenue regarding seigniorage on jungle wood, I have the honour to inform you that the leasing system does not obtain in this division. The rules laid down in Standing Order of the Board of Revenue, No. 86, are adhered to, and fees are levied according to a notice published in the District Gazette of the 23rd July 1864, but instead of ten per cent. of the money thus raised going to the Munsif as ordered in that notice, I find that it is divided in the proportion of two to one, between him and the Curnam, and now the Ellore Tahsildar recommends that it be equally divided. I do not wish to support this recommendation, as I think Curnams in general are quite ready enough to clutch Munsif's jurisdiction without being paid to do so.

2. It is reported that the recent introduction of the increased rates of fees on firewood brought for sale into the plains has created dissatisfaction. Till lately, 8 Annas was the fee on a bandy-load, but now it is a Rupee. In the neighbouring Zemindari and other villages, the fees are lower, but they vary at different places. I agree in thinking that they might be lowered in Government lands to their former level, as the reasons for raising them (*vide* Government Order, dated 19th July 1869, No. 2,093), do not seem to apply to the upland taluqs of this district: in fact the Government Order has somewhat the appearance of being only meant for railway districts.

3. The Ellore Tahsildar proposes that the privilege of cutting wood for domestic purposes be extended to all the inhabitants of jungle villages, and that fees be levied only on what is taken down into the more highly cultivated parts of the district. The Board of Revenue seems to adopt the same view in paragraph 5 of its order. If this were done, I do not think the matter could any longer be left in the hands of the Munsifs, but it would be necessary, however difficult, to girdle the jungles with a cordon of toll gates. I will report again as to the feasibility of this, when I have obtained further information.

From A. SUDARSHANA ROW, Deputy Collector on General Duties, to the Acting Collector of the Godavery District, dated Bhimavaram, 19th July 1873, No. 175.

IN obedience to your instructions conveyed in docket, dated the 23rd ultimo, No. 158, I beg to report as to the manner in which the rights of ryots and the State in regard to fuel and timber can best be reconciled.

2. In my present division there is no jungle, but I represent here of what I know from my experience in Kurnool and Cuddapah Districts, where I had to do much with "Nallamallah" Forests.

3. The system of leasing out the right of collecting seigniorage on firewood, etc., should have certainly pressed hard upon the people and infringed the rights of the *bona fide* ryots. In the districts containing jungles and forests, the ryots, I believe, have right to cut free from all impost fuel for their domestic purposes, and timber for implements of husbandry, from the jungles and forests as the case may be, whether they are within the precincts of their villages or not.

4. It is indeed very difficult to draw a line so as to maintain the due rights of the State and immemorial privileges of the *bona fide* ryots owing to dishonesty of certain ryots as well as of certain Government officials. I can safely say that the arrangement of entrusting the Tahsildars with the duty of ascertaining whether the ryot who applies for a free pass or license to cut firewood for his domestic purposes, or timber for implements of husbandry, is entitled to it, and granting such licenses, proved to be very injurious, partly because the Tahsildars have no means to ascertain themselves without inquiring of the villagers whether the applicant is entitled to the privilege he seeks for, or not, and partly because they generally entrust this duty to one of their ill-paid and avaricious gumastahs.

5. I submit that I am confident that the arrangement of entrusting the heads of the villages with the duty of granting free licenses to the *bona fide* ryots would answer well for all purposes and intents. Some of the heads of the villages also would bully the ryots by delaying and refusing to grant licenses from sinister motives, but such cases would, in my opinion, be of rare occurrence. If the heads of the villages are to be entrusted with this duty, they should be furnished periodically with a printed free license book with counterfoil consisting of the undermentioned headings:—

1. Name of the applicant.
1. Name of the village to which the ryot belongs.
1. Assessment on his lands.
1. Number of bandyloads of firewood or timber applied for.
1. Date of the last application.
1. Number of bandyloads of firewood or timber granted on that occasion.
1. Time granted to cut wood or timber now applied for.

6. If these books are examined occasionally by the Tahsildars and Divisional officers, the heads of the villages would be very careful in granting free licenses. I am sure that the heads of villages acting faithfully cannot commit any blunders, as they know well whether the applicant is *bona fide* ryot or not, and whether he is in need of the firewood or timber for which he applies for a free license. Those who cut firewood for selling purposes should be liable to seigniorage.

7. Another point for consideration is, whether the *bona fide* ryots are entitled to free licenses for the firewood which they require for making jaggery from their sugar-cane plantation, and for boiling the turmeric which their lands produce. As these products are very profitable, the ryots are not entitled to cut firewood free from seigniorage. Some consideration may be shown to them by charging them with a moiety of the usual rate of seigniorage.

(True Copies.)

(Signed) W. S. FOSTER,
Acting Collector.

Exd. W. H. French.

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From A. MACGREGOR, Esq., Collector of Mal r, to the Secretary to the Board of Revenue, dated Calicut, 17th June 1873, No. 157.

ADVERTING to the last paragraph of the Board's Proceedings, dated 29th May last, No. 897, I have the honour to inform you that the timber and fuel tracts in Malabar, the property of the State, are very limited in extent, and that in respect to them the Government occupies the position of a private proprietor. There is, therefore, no clashing of Government and communal rights to be guarded against.

From G. D. LEMAN, Esq., Collector of the Kistna District, to the Secretary to the Board of Revenue, dated Masulipatam, 17th November 1873, No. 1,720.

WITH reference to Proceedings, No. 27-897, dated 29th May 1873, I have the honour to state that in this district no complaints have reached me; and though I have not yet found an opportunity of visiting the parts of the district, Nandigama and Bezwada, where there is any conservancy of jungles to speak of, I do not think there is cause for any.

2. There are not any contractors here, and consequently there is no one to fee the village officers and induce them to turn against the villagers. Indeed, here the report is that the lesser evil exists, and that the rights of Government are infringed from their want of vigilance.

3. The question in paragraph 7 is no doubt difficult to answer. It seems that the only way of securing the rights of the ryot and Government, as laid down by the Board, is by putting a paid agent of Government in charge of such a tract of jungle that he can continually itinerate the villages adjacent, and is also easy of access to the people, and by leaving him to carry out the rules.

4. In this district it would be money thrown away. The loss to Government by the infringement of their rights cannot be as great as the cost of such an agency would be.

5. As long as the people are ignorant and indolent to enforce their own rights, and the village officers are such as they are, the state of things will continue. That the latter will be careless of enforcing Government rights of this kind, where any considerable trouble attaches to the duty, and that, as soon as it is made worth their while to do so, they will turn against their fellow-villagers and fill their pockets at their expense.

Exd. J. Tulloch.

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From C. VANSAGNEW, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 11th August 1873, No. 1,807.

In reply to the Board's Proceedings, No. 27, dated 29th May 1873, I have the honour to enclose copy of a letter* from the Deputy-Collector of Naidupett, describing the system adopted in this district to secure the rights of Government and the ryots in regard to wood.

* No. 209, dated 8th July 1873.

2. I agree with the Deputy-Collector that our system succeeds in attaining the object in view, and requires no alteration.

ENCLOSURE No. 1.

From C. CUNDASAWMY MUDALIAR, Deputy-Collector of Naidupett, to the Acting Collector of Nellore, dated 8th July 1873, No. 209.

I HAVE the honour to submit the report called for in your Endorsement, No. 1357, of the 16th ultimo, on the Board's Proceedings, No. 897, of the 29th May last, as to how the rights of ryots and the State in regard to fuel and timber can best be reconciled.

2. You are aware that the jungles in this district are not under the control of the Forest Department. Certain rules sanctioned by the Board, in their Proceedings of 9th December 1868, for Jungle Conservancy in this district, were promulgated in the District Gazette of 20th March 1869, page 184. While measures were adopted by these rules to levy seignorage on firewood and timber through the agency of the village authorities, on behalf of Government, provision was also made in them for allowing the ryots to cut firewood for domestic purposes, as well as wood required for agricultural purposes. It was further provided by these rules, in accordance with Rule 3, appended to Board's Standing Order, No. 86, that people living in villages without firewood should be allowed to cut it free of charge in adjacent jungles.

3. After the promulgation of these rules, it was feared that the ryots would abuse the indulgence granted in regard to the cutting of wood for agricultural purposes, and a Circular No. 46 of 1869, was accordingly published, to the effect, that permission should previously be obtained from the Wood Department to cut such wood. But in practice, this was found to be a source of great inconvenience to the agriculturalists, and the restriction was therefore withdrawn by Circular No. 79 of 1871, care being at the same time taken to assign the localities for cutting wood both for agricultural and domestic purposes.

4. Under the foregoing rules, not only the seignorage to which the Government is entitled is regularly collected on all wood cut for sale, but the public enjoys its prescriptive rights without any molestation, in regard to wood required for agricultural and domestic purposes.

5. The ryots were, however, deprived of the privilege of cutting wood required for building purposes, free of charge, by the Conservancy Rules of 1869—*Vide* Rule IX. This was brought to the notice of the Board by the Collector, and they have, in their Proceedings, No. 2,132 of the 5th November last, modified this rule, (Circular No. 92 of 1872) and the ryots of this district, are now allowed to enjoy this privilege also, care being at the same time taken to prevent any abuse of this indulgence. (*Vide* Circular No. 22 of 1873).

6. The ryots of this district, are thus enjoying at present all their ancient privileges in regard to junglewood without any molestation, while, at the same time, every care is taken to secure the seignorage to which the State is entitled. This wholesome result is undoubtedly the effect of the system now in force in this district, viz., that of vesting the conservancy of the jungles in the Revenue Head of the district, to whom the welfare of the ryots is entrusted. When the Collector finds that any rule framed by him, in his capacity of Conservator of Jungles, causes inconvenience to the people, or infringes on their privileges, or when it comes to his notice that the Wood Department organized for the preservation of jungles subject them to any annoyance, he makes such modifications as are conducive to the welfare of the people, and puts an end to the grievance complained of. I am therefore of opinion, that no better system can be devised to secure both the right of Government and the privileges of the people in regard to jungles and forests.

(True Copy.)

(Signed) G. VANSAGNEW,
Collector.

Exd. G. A. Turton.

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From J. H. MASTER, Esq., Collector of Bellary, to the Secretary to the Board of Revenue, dated Madaksira, 17th February 1874, No. 28.

I HAVE the honour to reply to the Proceedings of the Board, No. 897, of the 29th May 1873.

2. In this district the practice of leasing the right of collecting seigniorage to fuel contractors has never obtained. The seigniorage is collected here by the village officers, and by them only. But the tax is only levied in a few taluqs. In the Sub-Collector's Division, comprising the taluqs of Adoni, Gooty, Alur, Anantapore, and Tadpatry there is very little even scrub jungle. In only twenty villages the Sub-Collector says does even firewood grow in any quantity. In the Head Assistant's Division only, comprising the taluqs of Dhurmaveram, Pennakonda, Hindupur, and Madaksira, is there anything worthy of the name of jungle, and this only in the eastern parts of Pennakonda and Hindupur, which adjoin the Cuddapah District.

In the Deputy Collector's Division, comprising the taluqs of Hospett, Huvinhadgally, Hurponhally, and Kudlighi scrub jungle exists in parts of Hospett and Kudlighi. In Raidrug there is scrub jungle. In Bellary none.

3. The Forest Department is in charge of a plantation at Gooty, otherwise it has no footing in this district.

4. Seigniorage is only collected when outsiders cut wood, or when the villagers themselves cut it for sale to outsiders.

5. It is thus evident that, as regards this district, the majority of the consumers have to pay for firewood, on which seigniorage has been levied, while the minority have more than they themselves require, and that free.

6. The only way in which the rights of the ryots and the State in regard to fuel and timber can best be reconciled is, in my opinion, to allot the minor jungles to the circumjacent population, as mentioned by the Board in paragraph 5 of their Proceedings, No. 2,236, dated the 3rd November 1873.

7. This scheme I will proceed to prepare. The Deputy Collector in charge of the Hurponhally Division reports that there is some scrub jungle which it would be worthwhile to conserve, and the Head Assistant Collector reports that there are some dozen localities which it would be advisable to reserve altogether. Upon these I will obtain fuller reports, and submit the matter, if necessary, for the orders of the Board.

8. It is to be observed that the recent order of Government, reducing the seigniorage to its original rate, has been a great source of relief to the poorer classes.

9. Copies of the reports of the Divisional Officers are enclosed.

ENCLOSURE No. 1.

From C. J. CROSTHWAITE, Esq., Acting Sub-Collector, to the Collector of Bellary, dated Gooty, 16th October 1873, No. 390.

I HAVE the honour to reply to Board's Proceedings, No. 897, dated the 29th of May last, with your endorsement thereon, dated the 21st of June last.

2. In this sub-division there are no forests. The hills are nearly all low and bare, scarcely yielding sufficient timber for agricultural purposes and firewood. It is, therefore, obvious that very few of the difficulties discussed in the Proceedings above alluded to can occur in these parts. No abuses have in fact been brought to notice, and no alteration in the system in force is therefore necessary. There are only twenty villages in which firewood grows in any quantity, and the practice is that when strangers go to any of these villages for timber they are obliged to pay fees. Similarly if residents of those villages wish to take timber for sale they can only do so on payment of fees.

3. There is no separate establishment in this sub-division for the protection and supply of timber unless a few watchers employed in a few Casuarina and other plantations be regarded as such, and the Tahsildars of two taluqs, Adony and Tadpatry, recommend that the seigniorage system in their taluqs should altogether cease.

4. The question, however, now to be considered is how the levy of seigniorage can be made compatible with the ryots' acknowledged privilege in certain localities of appropriating timber for domestic consumption and agricultural implements free of charge, and the only means of protection I can think of is the grant of a free pass by the Tahsildar, or where that would be inconvenient by a Revenue Inspector, who before granting such pass should satisfy himself that the man was a ryot and that the demand was *bonâ fide*. Such pass should be shown to the Forest Officer, who would show him where to cut, and before finally carrying away the timber he should have his pass endorsed by the village officers or officer who should retain and forward it to the Forest Department.

5. For the grant of such passes the Revenue Inspector or other appointed officer should visit the locality from time to time, and a pass so obtained would protect the holder both against village officers and forest underlings.

6. This is the only plan I can suggest by which the interests of Government and the ryots might be protected without prejudice to the latter.

From J. A. DAVIES, Esq., Head Assistant Collector, to the Collector of Bellary, dated 15th December 1873, No. 299.

I HAVE the honour to report as follows with reference to your foot-note to the Proceedings of the Board of Revenue, dated 29th May 1873, No. 837. From returns called for by me it seems that hitherto in my division the claim of the State to seigniorage on timber cut has been but little guarded, as the insignificant amount realized as such (*vide* the annexed return) will clearly show. The ryots on the other hand appear to have obtained their fuel and timber with absolutely no trouble or cost to themselves. This is mainly due to two causes, first, there is no strict system of passes in vogue in the division; and secondly, there exist numerous large jungles which afford a supply of wood to all the neighbouring villages. Besides this the soil and climate are well adapted to the growth of timber, and many ryots find sufficient for their wants on their own putta lands. It seems to me, therefore, that here it is the rights of the State that require to be more strongly upheld, for those of the ryots are by no means interfered with or infringed.

2. As regards their reconcilement I believe it is impossible to lay down a hard and fast rule that can apply to all localities alike. In the Bellary Taluq, for instance, one can look miles around without seeing a single tree owing to an uncongenial soil, but in this division generally the country is well wooded, and, as I have observed above, contains also large tracts of forest land. The plan I should propose for my division would be similar in principle to that of Mr. Wedderburn's, recorded in the Proceedings under reply. I presume the right of the ryots to firewood and timber free is a rule of the old communal village system, and hence that the privileges of one set of villages are co-extensive only with the boundaries of their village or group of villages. If their claim is recognized as an absolute right to take firewood and timber free from any Government land wherever they may find it it naturally follows that the villagers become improvident. They cut down their fuel and timber reserves, turn the forest into cultivable land, and then having gained this advantage they look to the Government to abandon its rights and give them for nothing that which has cost it much money to conserve. I would then so far curtail their rights as to recognize them only when they are exercised within the limits of their own village or group of villages. I would strictly conserve every large jungle, of which there are a dozen at least in my division, by a special establishment, and would altogether prohibit felling there for any purpose. The underwood might be cut, and young trees thinned at particular seasons of the year, and the fuel and timber thereby obtained could be brought down to the neighbouring villages and sold by auction, but I would on no account allow any one except our own servants to cut any wood in the conserved jungle. The proceeds of these sales would, besides defraying the cost of the establishment, probably yield some revenue, and by periodical fellings of the ripe timber a further source of profit to the State might be expected. The ryots knowing that all the wood obtained from a conserved jungle would have to be paid for, and no longer be given free, would be induced likewise to begin conservation for their own sakes in

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their own villages. Economy would be observed, and the present extravagant and indiscriminate felling ceasing, the trees on the face of the earth would multiply and all the attendant advantages be gained. Those villages, where no fuel and timber preserves at present exist, could at a small expense (the penalty for their past improvidence) plant nurseries, and those, where wood is still to be found, would use it with care and conserve for the future. The ryots of the village would each be personally interested in the economical use of the fuel and timber, and would guard their plantations from the ravages of neighbours with jealous care, while the rights of the Government to the large tracts of jungle which it conserves could not be usurped, as there is too much reason to fear they are at present. According to this plan no system of passes would be required. The Reddy of the village could be the village conservator, and any complaints against him of maladministration could be dealt with in the usual manner.

Statement showing the Taluqwar revenue from Forests, etc., in the Head Assistant Collector's Division during each of the last eight years ending 1872.

Years.	Revenue Taluqs.				
	Pennakonda.	Dhurmaveram.	Madaksira.	Hindupur.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.
1865	107	62	58	36	263
1866	515	8	87	44	654
1867	408	53	20	180	661
1868	399	78	10	383	870
1869	627	57	23	120	827
1870	944	58	37	120	1,159
1871	714	85	37	120	956
1872	356	.....	49	.....	405

BELLARY,
15th December 1873.

(Signed) J. A. DAVIES,
Acting Head Assistant Collector.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

From V. VENCATACHELLUM, Deputy Collector, to the Collector of Bellary, dated Hurponhally, 14th July 1873, No. 204.

I HAVE the honour to acknowledge your Memorandum of the 21st ultimo upon the Proceedings of the Board of Revenue, dated 29th May last, No. 897, requiring a report how the rights of the ryots and the State in regard to fuel and timber can be best reconciled.

2. As you have required me to submit a full report on the subject I respectfully beg to represent as follows.

3. There is only scrub jungle in the taluqs of my division. Much of the waste land which formerly supplied firewood to ryots having been cultivated the price of the firewood is gradually increasing.

Hurponhally, Huvinhadgally, Kudlighi, and Hospett.

4. As no person can cook food without fire (firewood) and eat it without salt, and as the price of both these things is gradually increasing, the poor ryots and poor people who live by cooly suffer difficulty.

5. This difficulty is not felt only in Bellary District but in all districts, for the residents of Hindupur (near Kistna Railway station in Nizam's territory) told me when I went there that they have been cooking food with bratties, not being able to purchase firewood since the time the Railway passed through their village.

6. Mr. Nelson in his Manual of Madura states that "fuel being expensive, food is cooked only once in three or four days, and often turns a little sour before it is fully consumed."

Part II., page 17.

7. The poor people who experience difficulty in purchasing salt and firewood are not able to appreciate the benefits conferred on the country by Railway and Telegraphs, etc.

8. It appears from the Jamabundy Reports that of the Puttadars of this Presidency four-fifths are the ryots who pay sist below 100 Rs. As the number of poor ryots is great measures are to be taken for not increasing their burthen.

Vide Government Proceedings, 1st May 1872, No. 712.
For Fasli 1280, total number of Puttadars 1,004,701.
Puttadars who pay less than 100 Rupees sist 1,864,334.

9. As the prices of the grains have been higher than in the former years it is generally believed that *all* the ryots are in good circumstances; but there being a change in the mode of the living of former ryots and of present ryots they incur more expense in their living on account of the dearness of all things, and any profit which somebody may make is expended in building good houses and other purposes necessary for living comfortably.

10. I submit that the single circumstance of the increase of the issue of coercive process for collecting Government revenue is amply sufficient to suppose that the ryots are not in such affluent state as they are supposed to be.

11. The charcoal makers are burning away these scrub jungles to a great extent. I therefore recommend that a portion of these jungles should be reserved from being cut or burnt, and should be given up for use after some years, taking the portion now allowed for use for being guarded.

12. I think that fuel plantations should be raised in this district by planting Tumma trees, as there is sufficient waste land in every village. This can be done with slight expense. After a few years the trees may be sold, by which there will be a profit after deducting the expenses.

(True Copies.)

(Signed) J. H. MASTER,
Collector.

From the Hon. D. ARBUTHNOTT, Collector of Tanjore, to the Secretary to the Board of Revenue, dated 21st February 1874, No. 44.

WITH reference to the Proceedings of the Board of Revenue, dated 29th May last, No. 897 I have the honour to report that the jungles of any importance in this district are those at Kodikarai in the Tritrapundi Taluq and Vettangudi in the Shealli Taluq, and in these jungles the villagers are allowed freely to cut fuel for domestic purposes. They, however, can take fuel only with their hands, and are not allowed to cut it with knives or other instruments. This arrangement prevents waste, while at the same time it secures to the ryots what is necessary for their own use.

2. There are four watchmen and one Amin employed to take care of the jungle at Kodikarai, and six watchers and one Amin for that at Vettangudi, and as these jungles are small in extent, they see that the above rule is not violated.

3. I do not think it desirable that any change should be made in the present arrangement.

4. The other fuel reserves are only in the course of formation and maintained entirely out of the Jungle Conservancy Fund, and in these the villagers have no rights.

With regard to the 7th paragraph of the Board's Proceedings under reply, I have the honour to submit that the rights of the ryots and the State being in direct opposition to each other, I see no mode of *reconciling* them, except by the total abolition of the tax on firewood as proposed in my letters to the Board, dated Madura, 8th October 1870, Nos. 300 and 301.

1321/47

From W. D. HORSLEY, Esq., Collector of Cuddapah, to the Secretary to the Board of Revenue, dated Kanaluradgoo, 21st May 1874, No. 114.

I HAVE the honour to report as directed in paragraph 7 of the Board's Proceedings, Forest No. 27, dated 29th May 1873, No. 897.

2. It appears to me that the rules now in force satisfy sufficiently the rights of the State, and the cultivating classes with regard to fuel and timber. I enclose letters* from the Sub and Head Assistant Collectors on the subject. The former proposes an alteration on the present mode in which seigniorage is collected, and the latter suggests an alteration in the manner of issuing passes.

* From Sub-Collector, dated 18th October 1873, No. 464.
From Head Assistant Collector, dated 15th November 1873, No. 228.

3. I approve of the present rules, because they are simple. If they are rendered too elaborate, and difficult to be carried out, they are sure to be evaded. For this reason I disapprove of the Head Assistant Collector's suggestion, that passes should pass through the hands of various officials, be checked and compared in one office, and be issued in another, because the result will be that passes will not be applied for at all, even when no seigniorage is due for the wood required.

4. In my opinion head-loads of fuel, that is wood less than three feet in circumference, should be allowed to pass without any question whatever. The Sub-Collector would make the rule applicable to timber, but that I think would be carrying the exemption too far. I would make no distinction as to whether the wood was for consumption by the carrier, or for sale in a village not his own. The value of a head-load of fuel is very small, and it is not likely, as the Sub-Collector says, that large quantities will be sent to market in this way. Wood carriers always belong to the poorer classes, and they need not be told to apply for a pass.

5. Fuel carried by bandies or bullocks, and timber of whatever kind, and however carried, should always be covered by a pass. Applications for free passes should be made through the Village Reddy to the Tahsildar as now. It is unnecessary that they should be passed on to the Divisional Officer for sanction for the reasons I have already given. The Tahsildar should be the only officer in the district authorized to issue free passes. I object to Forest Duffadars, uncontrolled in distant tannahs and drawing salaries of Rupees 10 a month, issuing free passes. Their duties should be limited to the prevention of smuggling, and the examination of passes.

6. Applications for wood on which seigniorage is payable should be made only to the Deputy Conservator of Forests. In districts, or parts of a district where such an officer has no control, application should be made to the Divisional Officer through the Tahsildar. Applications for large quantities of valuable timber will only come from traders, who can get what they want from large forests under the control of a Forest Officer. The applications to Divisional Officers will be probably for small local requirements, and will not be numerous.

7. I do not understand how, as the Sub-Collector suggests, a Revenue Officer can estimate the capabilities of a jungle for the supply of wood. The appearance of a jungle is sufficient to tell any one whether cutting should cease or not. Practically in this district any such precaution is unnecessary, because where the control of the Forest official ceases the jungles are generally little better than mere scrub, furnishing fuel of inferior quality.

8. I am averse to making any infractions of the forest rules penal, beyond making the breaker of the rule lose his word. I dislike very much to hear of convictions for theft, or trespass for irregularities committed in open forests. Such infringements of rules only become offences when committed in fenced in and reserved tracts of forest, or in plantations. If the breaking of a forest rule is magnified by law into a crime a Forest Duffadar's post will become a most lucrative one. Government will gain little or nothing, while the people will suffer considerably.

1371/48

ENCLOSURE No. 1.

From J. D. B. GRIBBLE, Esq., Acting Sub-Collector, to the Collector of Cuddapah, dated Madanapally, 18th October 1873, No. 464.

WITH reference to the concluding paragraph of the Board's Proceedings, No. 897, dated 29th May 1873, I have the honour to state that I have delayed my report as called for in your foot-note in order to master the previous correspondence on the subject, and to obtain such information as I could.

2. I am of opinion that the following plan would, to a great extent, reconcile the rights of ryots and the State with regard to fuel and timber.

3. Assuming that ryots are to be allowed timber for domestic use free of seigniorage I would propose that every villager be allowed to cut and carry head-loads of timber as much as he requires without license and without tax. The timber which can be carried by head-loads is so small that it could not well be used for any other than domestic purposes, and its value as compared with the hire of a cooly is so little that no one would think of sending large consignments in this manner to the market. By this means the village officials would have no opportunities for fraud or extortion in the issue of passes, since a head-load would pass free whoever carried it.

4. In contradistinction to the head-loads I would propose that a fixed charge should be made on each wheeled conveyance load of timber whatever its size or description, or whatever intended for building or for sale in the market. In addition to this no bandy-load of timber should be allowed to be cut, or carried without a license signed by the Divisional Officer. Such license should be liable to production on the demand of any Police Officer, or such other qualified person as the Board of Revenue may fix. As a bandy-load of timber must eventually come upon some road before it reaches its destination it is highly improbable that, before it gets to the end of its journey, it would elude every beat Constable or Police station. If in addition it were rendered penal to be in possession of a bandy-load of timber without a proper license I feel no doubt that an effectual check would be placed upon evasions of the law. The fees for the licenses should be paid to the Divisional Officer when the license is taken out.

5. The objection to this system would seem to be that ryots will no longer be able to obtain timber for building purposes.

6. I question, however, whether ryots are entitled to timber free for this purpose, and I see no reason why a man in India should not have to pay for building a house as well as elsewhere. He obtains wood for his domestic purposes, for his plough, and his agricultural implements free, and I think that this is all he is fairly entitled to. A discretion might be left to the Divisional Officer to grant timber free for building purposes in exceptional cases, such as the burning of a village.

7. As a general rule licenses will be applied for—

(1.) By well-to-do ryots who wish to build or change their houses. These can always apply by writing or in person to the Divisional Officer.

(2.) By contractors who wish to cut timber to carry to distant markets. It will be no hardship for them to appear in person before the Divisional Officer, and state the forest in which they wish to cut the wood, and the place to which they wish to carry it.

8. The Divisional Officer, after communication with the Forest Department, or if there is no forest official available after due inquiries instituted, should keep a register showing the capabilities of each jungle or forest as regards the annual supply of fuel or larger timber—*ex. gra.*

(1.) Forest, situated near village, contains large and small timber, and is capable of yielding 1,000 bandy-loads per annum.

(2.) Jungle contains firewood only just sufficient for local requirements. When an application is made for a license a reference to this register would at once show the quantity of wood already cut from the jungle during the year, and whether the application should be accepted or refused.

9. The license itself should contain the following provisos:—That the wood (description given whether firewood or large timber) be cut in such a jungle and be carried to such a place. That en route the license should be shown to any duly qualified person demanding it, and that on arrival at its destination the license should be given up at the nearest Police station or Taluq Cutcherry. The license should further extend over a certain number of days. A separate license should be granted for each bandy, and no license should be given to cover a number of bandies.

10. A penal clause should be introduced for all persons found in possession of a bandy-load of timber without a license, for all persons refusing to produce a license when called upon, and for all persons making or demanding any illegal exaction when the license is shown or given up, etc.

11. Any Police Officer or Village Magistrate should be empowered to arrest without warrant the person in charge of a bandy without license, or who refuses to show his license, etc., and on conviction the seizer should be entitled to a reward of not more than half the penalty levied from the offender. All bandies and their contents seized in this way should be confiscated by the Divisional Officer, and after conviction by him of offender should on a fixed date be sold by public auction.

(True Copy.)

(Signed) W. D. HORSLEY,
Collector.

ENCLOSURE No. 2.

From A. J. B. ATKINSON, Esq., Acting Head Assistant Collector, to the Acting Collector of Cuddapah, dated 15th November 1873, No. 228.

WITH reference to Board's Proceedings, Forest No. 27, dated 29th May 1873, No. 897, I have the honour to state that, in my opinion, two radical changes will be required—

(1.) An alteration in the present system of giving free passes.

(2.) In an increased Forest establishment to collect seigniorage.

2. The present system of free passes *for timber* has no check, and is subject to very great abuse. In my opinion none but Divisional Officers should grant them. They should be prepared by the village authorities, checked by the last supply in the taluq, and sent on for sanction. The extra delay from the Tahsildar to the Divisional Officer would only be a day or so. Even now the ryot who wants a spoke, bamboos for cattle pens, ploughs, etc., has to go to the taluq, and no inquiry is made. There is nothing to show when the man had his last supply, nor is there any rule as to whether his requirements are to be regulated annually, quarterly, or monthly either by the kist he pays, the land he holds, the ankanums of his house, or the head of the cattle he possesses.

3. I am aware that all these points have been recommended, but nothing has ever been fixed. I lean to the Nellore, I think it is, recommendation, that is requirements by ankanums. It appears to me to be the fairest standard by which to judge of a ryot's status. A proper inquiry made at the time of asking, and a record kept at the time of supply, should be enforced before the pass is given. Armed with that pass the holder should be allowed to cut what is put on it and no more in a place indicated to him. At present if a Reddy wants a pandal for a wedding he sends up a ryot for a free pass to build his house lately burnt down. There is no inquiry, and the consequence is fraud and abuse of an established right.

4. At first the inquiry I propose would be troublesome, but the village officers would soon get used to it, and with our new Census returns, and classification of houses and persons, the labour would not be felt. It is then for the Board to define the number of times per annum that free license is to be granted.

5. Regarding the question of *firewood* I do not think that a pass is required. Many of the poorer classes live by cutting and selling this commodity in the bazaars. This scrub jungle will never grow into timber, and grows as fast as it is required.

6. The question of seigniorage is far more difficult. I think that the leasing of the right to collect seigniorage is about the worst form that could be adopted. It appears to me that nothing can be done without a very large increase to the Forest establishment. It should be settled from time to time what tract is to be cut, to enter on another and cut would both be trespass and theft. The open tract should be watched by an establishment of the Collector, which should collect the seigniorage. This establishment should be well paid to keep it above temptation, and be controlled by heads responsible to the Forest Overseers. Forms should be prescribed in which to enter the seigniorage paid, and a receipt should be given to the payer, and they should be in triplicate; one for the cutter, one for the record of the Collector of the money, and one for the superior of the department, the Collector of the district.

(True Copy.)

(Signed) W. D. HORSLEY,
Collector.

1321/49

From J. HOPE, Esq., Acting Collector of Kurnool, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Kurnool, 6th November 1873, No. 370.

I HAVE the honour to submit the report called for in paragraph 7 of Board's Proceedings, dated 29th May 1873, No. 27-897, and Board's official memorandum, No. 222-1,641, dated 21st October 1873, upon the best means of reconciling the rights of the people and the State with regard to fuel and timber.

2. The existing rules secure to the people the right to cut firewood, free of charge, for domestic purposes or for sale in their own villages, and to *bonâ fide* ryots and cultivators the right of cutting unreserved wood required for agricultural implements and for the erection of dwelling houses. Bamboos are also allowed free for the latter purpose. Wood required for all other purposes and reserved timber are charged the fixed rates of seigniorage sanctioned in Board's Proceedings, No. 7,942, dated 26th October 1869.

3. Since 1869, free passes are granted by village authorities to persons requiring fuel and firewood for domestic consumption, in accordance with Board's Proceedings, dated 13th February 1869, No. 957. The system was found to work well, and, after a trial of more than a year, the Board sanctioned its continuance in Board's Proceedings, No. 6,203, dated 18th October 1870. No complaints have been made to me of any attempts at extortion on the part of the village authorities, but the Nandial Deputy-Collector reports that, in some villages in his division, the Reddies and Curnams are in the habit of levying small fees from ryots who apply for free passes. Such cases, in my opinion, can be easily put down by the Tahsildars and Revenue Inspectors who frequently itinerate in their ranges, and a further check may be imposed if divisional officers make it a rule to inquire of the ryots and villagers at the time of the annual settlements, and satisfy themselves that the power granted to the Reddies is not abused.

4. In this district, the right to collect seigniorage is not leased out on contract, and the ryots are, therefore, free from the oppression to which their brethren in Coimbatore are subjected at the hands of irresponsible and greedy contractors. Just as they are required to apply to the Reddi or Curnam for lands they may be desirous of cultivating; just as they are required to call on these officials to pay their monthly kistbundies; they are required to obtain from them a free pass for the wood they require for domestic consumption. This is the only safeguard against smuggling and unauthorized felling of timber, and cannot, I think, be advantageously dispensed with, except in villages (which are not many) situated within the limits of the forests under the care of the Forest Department. Here the necessity for the passes is not great, and any excess wood that may be cut for sale may be easily prevented from being carried beyond the forest limits by the Tannah Peons stationed along the line. I do not think the plan, proposed by Mr. Wedderburn, to abolish the free passes entirely and to establish "Wood Tolls" can be successfully carried out in this district. In the greater portion of the district, firewood is procurable chiefly in the low range of the Yerramalas and hills scattered over different parts of the taluqs, and the tracks leading to them are innumerable and not easy to guard, unless at an expense which would be out of all proportion to the advantage to be gained by the measure; and, after all, it is open to question whether the people would be better off under the toll contractors, who must be practically uncontrolled, and who have no sympathies with them, than under their own village heads, who can always be kept under supervision.

5. Until the passing of G. O., No. 2,093, dated 19th July 1869, head-loads of firewood cut for sale were wholly exempt from taxation. Since that year they are charged with a seigniorage of 9 Pies a-load when sold in villages other than those in which the cutters reside. The principle of this distinction is not very clear, and it is difficult to work it in practice without oppression to the people. A villager may go to a forest, five or ten miles distant, to bring firewood, and, on his way back, may meet with several who may be willing to purchase his firewood, or he may find a better market at a short distance from his own village. In either case, there seems no just

reason for mulcting him with a seigniorage which would not be chargeable if he took his firewood to his own village to sell. I would, therefore, recommend, as suggested by Mr. Boileau, that all head-loads of firewood be exempted from seigniorage as before, and the wood-cutters left at liberty to sell wherever they choose. It is only the poorer classes that resort to this mode of conveying firewood, and it can hardly be maintained that the concession recommended gives them any new privilege not heretofore enjoyed. On all other wood carried for sale on bandies or on pack-bullocks, a seigniorage of 8 Annas and 1 Anna, respectively, may be charged, as the present rates are reported to be oppressively high, (*vide* also Mr. Chase's letter, No. 360, dated 24th October 1870, and Board's Proceedings, No. 1,727, dated 25th April 1871, on letter from the Collector of North Arcot). If the Board think it objectionable to exempt head-loads altogether, I would recommend that the present seigniorage be reduced to 6 Pies the load, and that it be levied on all wood cut for sale, whether in the cutter's own village or in any other.

6. Regarding timber required for agricultural implements and building purposes, I beg to propose that free passes should be granted only by Tahsildars and Deputy-Tahsildars without the countersignature, as at present, of the divisional officers or the Forest Assistant in forest under his charge. This would prevent unnecessary delay and much hardship to the ryots, and any abuse of the privilege that may be possible can be easily detected at the Jamabandi by an examination of the counterfoils of these passes filed in the taluq. In cases where the ryots wish it, the settling officer may himself grant the free passes for all the wood required for use during the year.

1321/50

From R. W. BARLOW, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 25th August 1873, No. 356.

In reply to the Proceedings of the Board, No. 27, dated 29th May last, and adverting to the concluding part of paragraph 4 of my letter No. 306, dated 22nd July 1872, in which I promised to make a tour through the jungle tracts on the west side of the district, I have the honour to report as follows, to forward, for reference, copies of the correspondence noted in the margin, that has passed between this office and the Acting Sub-Collector.

To Sub-Collector,	No.	655,	dated	12th September 1870.
To	,, ,,	729,	,,	15th October ,,
From	,, ,,	466,	,,	4th November ,,
From	,, ,,	671,	,,	30th September 1871.
To	,, ,,	1,260,	,,	31st October ,,

2. With the exception of on the western side, there is nothing like real forest in this district, the jungles being extensive tracts of brushwood and scrub of the nature described by the Acting Sub-Collector in his letter No. 671, dated 30th September 1871. These, until 1865 (*vide* Board's Proceedings, No. 809, dated 8th November 1866) were rented out to the Mirassidars, who used to strip* them of every available bush, and made, doubtless, large profits in the market. Mr. Crole estimates the profits that ought to accrue at Rupees 4,000† per annum, without infringing in any way the privileges of the ryots; and the present state of these tracts, I speak after personally inspecting many of them, shows the benefit that has accrued from the cancelment of the rent system, the way in which wood was stripped off, without the slightest regard to future supply, was utterly reckless.

* *Vide* paragraphs 4 and 5, Acting Sub-Collector's letter, No. 296 of 1873.

† *Vide* paragraph 3, Acting Sub-Collector's letter, No. 466 of 1870.

3. As soon as the forest question, pending before the Board and Government, has been settled, I shall organize a system of District Conservancy, and, in the meantime, have ordered‡ measures to check the illicit traffic that has sprung up of late years, since the cancelment of the village leases.

‡ *Vide* my letter to Mr. Crole, No. 1,260, dated 31st October 1871.

4. All that the ryots are entitled to, indeed all that they have ever claimed as regards fuel free, is to cut it *bona fide* for domestic consumption, while as regards timber for agricultural implements, etc., the district rules published in accordance with the Board's Circular Order, No. 5,497 of 1860, are very fair, and perfectly understood; and all that is necessary is to see that they are not, as is too often the case, evaded to the prejudice of Government, or, where the renting system to outsiders is in force, to ensure that the ryots have no undue exactions levied from them.

5. I agree with the Acting Sub-Collector in his suggestion || that portions of these low jungles should be reserved for the ryots; these reserves too should, I consider, be changed from time to time, so as to give any particular tract that has been much cut, rest and time to recover. In the reserved portion a seigniorage per bandy-load of wood cut for sale of Rupee 1§ should be levied, and for charcoal Rupees 1-8 per bandy-load. I would give the heads of villages the 20 per cent. sanctioned in Section 12 of the rules for the preservation of jungles, appended to Standing Circular Order, No. 86, to ensure their co-operation.

|| *Vide* paragraph 9, (a) No. 296, 25th June 1873.

§ *Vide* G. O., R. D., No. 2,093, 19th July 1869.

6. I now come to the question of the western jungles, some of which, notably the Kambakam and Nagalapooram¶ Jungles, might be classed as forest, and should come within the scope of forests of the second class—*Vide* paragraph 7 of the proposed Draft Forest Bill; the rest of the principal division jungles may be treated like the scrub jungles of the sub-division, already commented on.

¶ In the boundaries of Mudiyar, Reppulputta, Rammagherry, and Kistnapuram Villages.

7. The importance of the Kambakam and Nagalapooram Forests has not, I think, been sufficiently recognized, and that considerable fortunes have been made there by the Madras wood-merchants at the expense of Government, I am satisfied, from inquiries I made last month on the spot. The great difficulty has been owing to the zig-zag way the boundary line between this district and the Kalastri Zemindari runs, to say whether a bandy stopped, is loaded with wood cut in the Zemindari or not. No band-man, speaking from my own experience and inquiries (if you believe them), ever cuts wood any where, *but* in the Zemindari.

8. I object to the renting system; if forests are rented to an outsider, the ryots are pretty certain to be annoyed more or less, and money got out of them somehow, for what they are entitled to for nothing; whereas if the ryots themselves have the contract, it is abused, and Government suffer.

9. The seigniorage system, even for the larger forests, seems the better, if, under the Revenue Department, and with the assistance of the village officers, secured by the 20 per cent. allowance.

10. The few forest peons who have been entertained during late years have done good, and the contracts for the Nagalapooram Jungles have not been renewed, as they fell in under my and my predecessor's orders; the sums paid as rents for these jungles were ludicrously small,* compared with what the profits must have been.

* *Vide* Enclosure B. to the Tahsildar's Arzi.

11. I intend myself to settle the Sattivedu Division this fasli, and shall spend some weeks again there, by which time the forest question will probably have been settled on some definite basis; I propose then to entertain a large number of peons and give them beats, their salaries will be met over and over again by the profits accruing. I may add that the work of the Sattivedu Division is light, and the present incumbent, a feeble old man, is retiring, and I have made his successor understand that I look upon occasional visits to the hills, and the general supervision of the jungles, as one of the chief items of his work.

12. Our greatest difficulty in attempting conservancy is the Kalastri Zemindari with its tortuous boundary on the west, and the large number of Zamin Villages scattered over the district, chiefly in the sub-division; the plea of the bandy-man always being, that the wood is cut within such limits. Mr. Crole in specially noting this difficulty at paragraph 9 of his No. 296, dated 25th June 1873, suggests that when a bandy-load of firewood on which seigniorage is leviable has been cut, a pass be issued for it to its destination, usually Madras, and "that in front of the Collector's Cutcherry at Sydapet, at the Kodambakam Toll-bar at Papan Shavadi on the East Coast Canal, and perhaps at the Amanjikrai Bridge, a peon be stationed to see that all bandies have passes, and to collect these passes, and return them through the Treasury Deputy Collector to the office of issue," and "that Zemindars or other persons desirous of sending their own firewood to Madras for sale shall be advised, in order to save delay and annoyance, to take out similar passes to be issued gratis on application at the office of the Tahsildar and Deputy Tahsildar, but which should be of a different coloured paper;" but I fear that to arrange this would be difficult, and that we must depend on the co-operation of the village head-men in the village jungles, and on an efficient establishment of watchers in the larger forests.

13. I enclose for the Board's perusal an original Arzi from Samy Naidu, and its enclosure, one a *rough* list of the extent and character of the western jungles; the description and estimated profits are highly coloured, but I have to thank him for the trouble he has taken in the matter.

14. In conclusion, I wish to state that in making these proposals, I have not the slightest wish to curtail the privileges of the ryots as to legitimate cuttings which can do no harm, and I would allow them timber for building, etc., gratis* in addition. It is the wholesale cuttings for the town market, by which neither the ryots or Government benefit, that I deprecate; even the wood-cutters get scanty cooly, while the Chettys alone make the large profits.

† *Vide* G. O., paragraph 5, No. 2,131, dated 3rd October 1862, and Board's Proceedings, 14th idem, No. 6,838.

1321/41

Enclosure No. 1.

From W. T. BLAIR, Esq., Acting Collector, to the Acting Sub-Collector of Chingleput, dated Sydapet, 12th September 1870, No. 655.

I have the honour to forward copy of a takeed issued to the Tahsildars of the principal division, calling for information regarding the jungles in their taluqs, and request that you will submit similar information for the sub-division taluqs, with your opinion, as to the best mode of conserving and improving the jungles in the district. I also request that you will furnish me with a draft of such rules as you may deem necessary for carrying out this object.

(True Copy.)

(Signed) R. W. BARLOW,
Acting Collector.

Enclosure No. 2.

From W. T. BLAIR, Esq., Acting Collector, to the Acting Sub-Collector of Chingleput, dated Sydapet, 15th October 1870, No. 729.

I have the honour to enclose copy of an article which appeared in the "Madras Times" of the 13th instant, and request that you will inform if there is any truth in the statement therein contained, regarding the collection, near Vendaloor, of a tax of 1 Rupee per bandy-load on all firewood coming into Madras, and if there is, that you will explain fully under what authority you have ordered the collection of this tax at Vendaloor, and what instructions you have issued to the persons deputed to levy it.

(True Copy.)

(Signed) R. W. BARLOW,
Acting Collector.

Enclosure No. 3.

From C. S. CROLE, Esq., Acting Sub-Collector, to the Acting Collector of Chingleput, dated 4th November 1870, No. 466.

In reply to your No. 729, of the 15th ultimo, I have the honour to state that, in view to obtain reliable data on which to frame the report called for in Proceedings of the Board of Revenue, No. 5,662, dated 9th September 1870, the Pound Gumastah was temporarily stationed by the Tahsildar of Chingleput at Vendaloor. The opportunity was taken of finding how many carts had paid the proper seigniorage, and how many had not, and of collecting what ought to have been paid in the villages.

2. No orders were issued on the point by me, but I was cognizant of what was going on, and awaited the result of the experiment. As, however, the object with which the Pound Gumastah was sent to Vendaloor was found to be frustrated, owing to many bandy-men smuggling firewood across country, I put a stop to the levy of seigniorage by the Pound Gumastah, and directed him to confine himself to framing statistics.

3. Up to the time of the receipt of your letter under reply no complaint reached me, and although, by a mistake, a small amount was levied on firewood, which afterwards turned out to have been cut on Zemindari or Shrotriem lands, the experiment clearly showed that the Jungle Conservancy Fund is defrauded of a very large revenue, which is justly due to it under Board's Order, dated 26th October 1869, No. 7,949. The loss may be set down at as much as Rupees 4,000 *per annum* by this fraud alone.

4. The persons referred to as stopping bandies near Pallaveram were, I suppose, officers ordered by you to carry out an experiment of a similar description.

5. The opinions of the *Editor of the Madras Times* as to the incidence, justice, novelty, and results of the "tax" in question do not seem to require notice in this report.

(True Copy)

(Signed) R. W. BARLOW,
Acting Collector.

ENCLOSURE No. 4.

From C. S. CROLE, Esq., Acting Sub-Collector, to the Acting Collector of Chingleput, dated Pudupatnam, 30th September 1871, No. 671.

WITH reference to Mr. Blair's letter No. 655, dated 12th September 1870, requesting me to submit my opinion as to the best mode of conserving and improving the village jungles in this district, together with a draft of rules I may deem necessary for carrying out the object, I have the honour to state that the legal rights possessed by Government, as well as those of the ryots in these, are at present so undefined that it is impossible to frame a scheme which gives any reasonable promise of being satisfactory. The matter is at present, I believe, under discussion between the Board of Revenue and Government. Until they have come to an understanding on this important question, I have the honour respectfully to suggest that it would be futile for us to attempt, by any rules of our own, to conserve the jungles in this district. The number of Zemindaries and Mootahs with which this district is studded still farther increases the difficulty of the case.

2. These tracts, although containing no large forest trees, are covered with scrub, which, in the Chingleput and Madurantakam Taluqs, extends for miles and miles. A very large revenue might, in my opinion, be obtained by conserving them and regulating the sale for exportation. It is at present largely smuggled into the Presidency Town, where it commands a very high price as firewood.

3. I do not propose to abandon the subject, but have the honour to request, for the reason above stated, that, until a definite conclusion has been arrived at regarding the bases on which our rules are to be framed, the reference may be struck off my unanswered list.

(True Copy.)

(Signed) R. W. BARLOW,
Acting Collector.

ENCLOSURE No. 5.

From R. W. BARLOW, Esq., Acting Collector, to the Acting Sub-Collector of Chingleput, dated Sydapet, 31st October 1871, No 1260.

UNDER the circumstances stated in your letter of the 30th ultimo, No. 671, I see no objection to the reference on the subject of village jungles being struck off your unanswered list as requested.

2. Pending, however, the settlement of the questions now under discussion, as to the extent and nature of the rights possessed by Government and of the ryots, I request you will adopt such measures as you may deem advisable for preventing the large smuggling which, it seems, is now going on to the detriment of the interests alike of Government and the communal rights of the ryots.

(True Copy.)

(Signed) R. W. BARLOW,
Acting Collector.

ENCLOSURE No. 6.

From C. S. CROLE, Esq., Acting Sub-Collector, to the Acting Collector, dated Chingleput, 25th June 1873, No. 296.

I HAVE the honour to submit a report on paragraph 7 of the Proceedings of the Board of Revenue, No. 897, dated 29th May 1873, as called for in your endorsement thereon.

2. There need be no apprehension of the privileges of the people of this district being infringed by the enforcement of a fair and proper conservancy. At present it is the Government alone that is defrauded, and this by the connivance of both officials and ryots. In my No. 466, of the 4th November 1870, I stated the annual loss at Rupees 4,000. This was after inquiry and on statistics.

3 All that the ryots have any right to here, in the matter of fuel, is for *bonâ fide* domestic consumption. In regard to timber consisting of bamboos, palmyrahs, and solitary trees, the rules are well understood and there is nothing to complain of on either side.

4. Up to 1868, when the last lease fell in, the large jungles in the Chingleput and Madurantakam Taluqs used to be leased out to the Mirassidars at the jummabundi, who, of course, removed every thing, literally root and branch. The firewood was carted into Madras where it commands a high price (between Rupees 4 and 7 a cart-load) and a ready sale, and the country became quite bare.

5. In course of time when the results of this arrangement forced themselves on attention, these leases ceased, and the country now has miles and miles of scrub-jungle with promising young trees in the middle of every clump of thorns, big enough to pervent cattle from getting at the saplings.

6. As I have more than once reported, temptation too often proves too strong for the villagers, and there are few villages in which, either from need or greed, a few bandy-loads of firewood are not annually despatched to Madras, especially during the hot weather, when the bullocks are idle and the Revenue Inspector is pressing for the kist. No seigniorage is ever paid except under the most exceptional circumstances. At the same time no claim of right has ever been advanced by the villagers to cut and sell jungle. That they have none is universally recognized among them.

7. It is the same with charcoal. Only a few weeks ago this and fuel were reported on by the Tahsildars of Chingleput and Madurantakam at my instance, and it was found that not a farthing had been paid in on account of seigniorage during the year 1872-73, although the Great Southern Trunk Road swarms with bandies, taking these articles into Madras.

8. When you meet them the excuse almost always is, that the wood was cut within the limits of a Shrotriem or a Zemindari ; and here lies the difficulty, for villages on these tenures are many in the sub-division.

9. Without dilating on a subject which has become rather thread-bare of late, I have the honour to submit the following suggestions.

(*a*) That in each ryotwari village, a certain block of firewood jungle, corresponding to one or more survey fields, be apportioned by the Revenue Inspector with the approval of the Tahsildar or Deputy-Tahsildar in each case for domestic use.

(*b*) That if any person desires to cut beyond that area, he should lodge a formal application with the Tahsildar or Deputy-Tahsildar, who will dispose of it with regard to the available jungle in the village, and the general orders issued by the Collector or Sub-Collector from time to time.

(*c*) That *after* payment of the full seigniorage at rates laid down by the Board of Revenue, the Tahsildar or Deputy-Tahsildar, as aforesaid, shall issue an order to the Munsif Monegar of the village, stating that permission has been granted to cut so many bandy-loads, as the case may be, within a specified number of days.

(*d*) That the Munsif to report the completion of the cutting, according to orders, on the expiry of the time mentioned.

(*e*) That on receipt of this, a pass, available for a certain reasonable number of days, be issued for the conveyance of the firewood to its destination.

(*f*) That in front of the Collector's Cutcherry at Sydapet, at the Kodambakum Toll-bar, at Papan Savidi on the East Coast Canal, and perhaps at the Amanjikrai Bridge, a peon be stationed to see that all bandies have passes, and to collect these passes and return them through the Treasury Deputy-Collector to the office of issue.

(*g*) That Zemindars or other persons desirous of sending their own firewood to Madras for sale should be advised, in order to save delay and annoyance, to take out similar passes to be issued *gratis*, on application at the offices of the Tahsildar and Deputy-Tahsildar, but which should be of a different coloured paper.

(*h*) It should be widely made known that the penalty for cutting jungle, in breach of the above rules, is that for theft under Section 379, India Penal Code.

10. Madras is the point to which nearly all our firewood finds its way, and I would not at present interfere with that taken for sale into the paltry towns of the district, always provided it be cut within the blocks set apart to meet local wants.

11. The above embodies the result of the best consideration I have been able to give the subject, and although the scheme is admittedly open to objections from which no plan for advancing the common good in cases of this kind can possibly be exempt, yet it would tend, without injury to the jungles, to establish a fair and profitable trade in firewood, from which Government would derive its legitimate share, which would, of course, be applied to improved conservancy.

12. The following orders and correspondence relate to this matter and are appended for reference.

(1.) Proceedings of the Board of Revenue, dated 1st September 1870, No. 5,553, requesting Collectors to report on subject of reduction of seigniorage charged on firewood, with reference to circumstances of their districts.

(2.) Proceedings of the Board of Revenue, dated 9th September 1870, No. 5,662, requesting Collectors to report whether circumstances of their districts or of any particular localities in them are such that a new rate of seigniorage on wood cut for use of sugar factories is unduly heavy.

(3.) Collector's letter, dated 12th September 1870, No. 655, calling for information regarding the jungles in the taluqs of the sub-division.

(4.) Sub-Collector's letter, dated 27th September 1870, reporting that there are no sugar factories in the sub-division.

(5.) Letter from the Collector, dated 15th October 1870, No. 729, requesting to report as to the truth of the statement contained in an article of the "Madras Times," regarding the levy of tax on firewood near Vendaloor.

(6.) Sub-Collector's letter (in reply to the above reference) No. 466, dated 4th November 1870.

(7.) Sub-Collector's letter, dated 31st March 1871, No. 200, in reply to Proceedings of the Board of Revenue, dated 1st September 1870, No. 5,553.

(8.) Sub-Collector's letter, dated 30th September 1871, No. 671, in reply to Collector's No. 655, of the 12th September 1870.

(9.) Collector's letter, dated 31st October 1871, No. 1,260, requesting to adopt such measures as will tend to prevent large smuggling to the detriment of interests of Government and the communal rights of the ryots.

(True Copy)

(Signed) R. W. BARLOW,
Acting Collector.

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ENCLOSURE No. 7.

From M. SAMY NAIDU, Tahsildar of Trivellore, to the Acting Collector of Chingleput District, dated 26th July 1873.

I HAVE the honour to submit my report upon the existing state of the jungles in the taluq of Trivellore, which I have personally inspected and found to be in a destructive and decayed condition for want of proper superintendence. If necessary improvements had been taken in former years, a large sum would have been realized from this source of item which is now a dead loss to Government. There is a wide field for improvement, and if care is taken and attention paid, I have every confidence that it will add an influx to the present beriz of the taluq.

2. The jungles under review are mostly situated in that part of the division called "Sattivedu," which once formed as one of the taluqs of North Arcot District, and was amalgamated with this taluq in Fasli 1270, or the year 1860. Under what rules and superintendence these jungles were kept up in the district of North Arcot, and that whether any portion or portions of these were ever leased out or not, I have no means of ascertaining, and therefore unable to give your honour any accurate and correct account, for there are no records forthcoming from this office to throw any light on the subject.

3. These jungles are scattered in different villages enumerated in the annexed Statement marked A., of which eight are situated in the taluq, twenty-seven in the Sattivedu Division, making in all thirty-five villages.

4. Excluding the jungles of the taluq, I have divided the division jungles into three ranges, viz :—

No. 1, Kambakam Range.
No. 2, Nagalapooram do.
No. 3, Sattivedu do.

5. Nos 1 to 10 in the Statement A. are the villages where these jungles of the Kambakam Range are situated, these are on the borders of the taluq to the north and east. With the exception of the Kambakam Jungle No. 1, the other jungles Nos. 2,3,4, and 10 contain such trees that may be cut and used for beams and rafters for the erection of houses, as well as for firewood. The others 5,6,7,8 and 9 conta in trees fit for firewood alone. With regard to the Kambakam Jungle including the hill, I beg respectfully to state that it is the best and the most extensive one in the whole taluq, and consists of very valuable and most useful trees of various descriptions and animals and birds, etc., and that at a small expense and judicious arrangement, I have every reason to believe that it would be a most paying and remunerative concern. The trees, leaves, roots, fruits, and seeds, etc. of this jungle, if let out on lease or placed under the license system with an effective establishment, would yield a good revenue, as there is now a great demand in the Madras market for almost all these articles. It does not appear that this jungle was ever leased out or any amount whatever realized from this source. Besides the useful trees noted in the margin* said to be in existence in this jungle, it consists of valuable animals and few birds marginally† noted. The Zemindar of Kalastri having leased out almost all the jungles in his limits surrounding the Kambakam Jungle, and the renters or the destroyers having since entered and cleared all the jungles, the very valuable animals that were habitually living

Names of the Trees.

1. * Thumba.
2. Cadaca.
3. Root of the Red-wood.
4. Nalsela.
5. Ullee.
6. Movee.
7. Beera.
8. Cheroomavedee.
9. Pala.
10. Thada.
11. Mangoe.
12. Bamboo.
13. Soapnuts.
14. Gooseberries.
15. Sekarani.
16. Mogalen.
17. Myladee.
18. Périva.
19. Ettee
20. Thavatharee.
21. Soorooloputta.

Animals and Birds.

1. † Tigers, Large.
2. Cheetas.
3. Bears.
4. Ebandee.
5. Cadumba.
6. Wild Pigs.
7. Porcupines.
8. Chenna.
9. Wild Sheep.
10. Hares.
11. Black Monkeys.
12. Civets.
13. Woodumboo.
14. Wild Cats.
15. Peacocks.
16. Wild Fowls.
17. Wolf and Honey Nests or Combs.

there, finding no shelter for them, have almost all availed themselves of this jungle as their place of future residence, and thus added better importance to the Kambakam Jungle. I may observe here that there are very few birds at present ; this may be converted into a beautiful reservoir of birds. The jungle with its lofty hill presents a very beautiful aspect and opens a wide field for English sportsmen, if kept under proper scrutiny without leasing it out. The height of this hill is about 4,000 feet, and on the top there is an extensive open ground measuring from north to south about seven miles, and from east to west six miles. On this several suitable buildings may be erected for the accommodation of European residents for a change of air, particularly during the hot season. There are three Jonais or springs of water, called Japalamadoogoo, Naradla Chellamah, and Williamson's Jona or spring, and a channel running from south to north : all these give a good supply of water on the top. The water is said to be very light and wholesome to the body, and admitted as such after an analysis by a medical officer. The weather is extremely cooling and congenial to the European constitution, and very pleasant throughout the year, excepting the months of November, December, and January. In these three months, fever is said to prevail to a considerable extent owing to the fall of rains, and therefore considered unfit for residence. The vicinity of Kambakam Village to the town of Madras is about seventy-four miles and forty miles from the Cusbah of Trivellore. It has got a facility of the boat communication in the Cochrane's Canal as far as Thada, a distance of sixty miles from Madras, and with a good road from Thada to the foot of the hill, a distance of fourteen miles, gentlemen may get to the spot within a few hours. It may be said that gentlemen willing to inspect the spot may come down in their carriages by the Northern Trunk Road close to Thada. On the other hand, gentlemen of enterprizing characters may come by the train as far as Trivellore, and from thence avail themselves of the good metalled road from the Cusbah of Trivellore to Sattivedu, a distance of twenty-three miles, and from thence if a good road is made to Kambakam, a distance of fifteen miles, it will be a day's pleasant journey ; and also this road, if extended, would be very useful to the passengers. To get to the top of this hill there are three pathways in existence, and if slight improvements are made to them, several European gentlemen and ladies would prefer, in course of time, remaining in this for a change of air to Shervaroy and Ootacamund Hills. As I said above, every preference would be given by gentlemen who have got a taste for shooting excursions and who wish to lead a solitary life, and, in fine, I may say that this hill will be on a par, if not superior to the Shervaroy and Nilghiri Hills. Mr. Williamson, the late Postmaster-General, after mature consideration and with the above advantages, erected a large building on the top, and caused a road to be made from the foot to the top of the hill, for the carriages and horses to get up, at his own expense. Although it is now in a dilapidated condition for want of repair or notice, still the walls of the old building are now in existence and visible. It seems Mr. Williamson had taken a fancy for this hill in the year 1842, and subsequent to his departure, this hill was unnoticed, and still there is a putta standing in the name of that gentleman for a certain piece of land on the top of the hill. There is another beautiful stream coming down from a hill within the limits of Kalastri Zemindari, taking the name of Chenra Channel from the foot of that hill, and, after passing eight miles through the Zemindari tracts, enters our limits at the foot of the Kambakam Hill, and passes on two miles through our limits and irrigates the lands of Thaligary Vitter, etc., villages in the Kalastri Zemindari. To connect this channel with that of the Cochrane's Canal at Thada, it would appear that an estimate was made by the Department Public Works some years ago, but there is nothing on the face of the records to show as to what had become of the intended project. If this project is now carried out, it would not only be a great advantage for merchants to facilitate the commerce, but it will bring down ladies and gentlemen from Madras, through the Cochrane's Canal, all along to the foot of the hill. The jungles of this Kambakam as well as from Nos. 2 to 10 in this range, as exhibited in the Statement A., were never leased, but have been under the superintendence of two peons who receive a monthly salary of Rupees 5 each from the year 1868.

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6. The next is the Nagalapoorum Range consisting of five villages from Nos. 11 to 15 as exhibited in the Statement A. The Nagalapoorum Hill itself is in a link with the Kampakam one, and it is situated to the south-west of it. The distance of Nagalapooram from the Cusbah of Trivellore is about twenty two miles with good metalled road throughout. The height of this hill is about 5,000 feet. The jungles of the villages, from Nos. 11 to 15, had been leased out some years ago as exhibited in the Statement B., and which had expired with the last year. As the renters had destroyed the trees of all these jungles, but Nagalapoorum, by cutting them and leaving only the stubs, they present a very poor aspect, and by the superintendence of a single peon who receives a monthly salary of Rupees 5, these jungles are since improving and varying in height from two to nine feet. The Nagalapoorum Hill as well as the tracts surrounding the foot of the same abound with the trees of various descriptions noted in the margin,* vary ing from ten to fifteen feet, fit for beams, rafters, etc., for the erection of houses, as well as bamboo trees in abundance, on the top of the hill, about twenty feet high. All these are in a fit state to be cut and sold to the best advantage of Government. The animals marginally† noted are also to be found in this jungle.

	Names of the trees.	
* Bamboo bushes.	Beru.	Thundra.
Thada	Naralee.	Cadaca.
Irramboolee.	Pala.	

† Cheeta.	Wild Pigs.	Wild Fowls.
Wolf.	Black Monkeys.	

7. The next is Sattivedu Range extending in twelve villages from Nos. 16 to 27, as exhibited in the Statement A., running in a parallel direction to a chain of hills in length twenty miles, though in certain parts it is intervened by the jungles of Kalastri Zemindari, and it is watched by a peon who receives a pay of 5 Rupees. These jungles are situated on the slopes of the hills. Nos. 22 and 25, Namaloor and Chareenee, contain trees of six feet high fit to be cut for firewood. Nos. 26 and 27, Mofooreberla and Rocherla Jungles, contain in abundance trees noted in the margin, ‖ which will also give a good return if leased out. There are also animals of the description noted in the margin‡ in abundance. No. 17, Paradum Jungles, etc., contain animals and birds of various descriptions in great abundance noted in the margin¶. The Nos. 16, 18, 20, 21, 23, 24, and 25 exhibited in the statement, the jungles of which contain trees of about nine feet in height and are useful for rafter of thatched houses, etc., and for firewood.

‖ Cheroowanadee.	Irrambcolee.	Cassum or
Cadaca.	Cooree Nogul	Ullee.
Beera.		

Cheetas.	Wolf.	Wild Pigs.

¶ Wild Pigs.	Wolf.	Peacocks.	Wild Fowls.

8. On the whole, it would be seen that these jungles are scattered in twenty-seven villages in the division of Sattivedu, under the supervision of four peons on a monthly salary of Rupees 5 each. Of these, only eight villages were leased out in former years on very low rates as would be seen from the Statement B.

9. Leaving aside the small scattered jungles of about three feet in height in other villages, both in the taluq and in the division, there remain only eight villages situated in the taluq, the jungles of which are of some importance and deserve prominent mention ; names of which are exhibited in the Statement A., from Nos. 28 to 35. The villages from Nos. 28 to 32 are situated in an open plain surrounded by lofty hills, which go by the name of Ulleecoolee Hills. It is five square miles in extent and the atmosphere is very cooling, but the ryots are always subjected to severe fever during the months of October, November, and December. The trees in the jungle are about fifteen to twenty feet high, and are in a fit state to be cut and sold. These jungles were of late totally neglected and had been the prey of the depredations of the neighbouring ryots of the Carvatee Nagarum Samastanum, and had it not been for such depredations unchecked, this tract would have been a first-rate jungle and would have given to Government by this time some-thousands. In its present miserable condition, wild pigs are to be found in abundance in this jungle, and it is situated to the north-w st of Trivellore at a distance of fifteen miles. There are

groups of lime trees, yielding fruits of very large size, but since gone to decay for want of proper care and improvement. These jungles were not leased out, but were given to the respective villagers for a small sum which has been included in their puttas, as would be seen from the Statement B, Nos. 9 to 13, and the ryots taking advantage of the leniency destroyed the jungles just as they pleased.

10. I now come to the village of Varubadoo, No. 33, in the Statement A., situated at a distance of five miles to the north of Triyellore in the Firka of Rammagary, the jungle of which contains Morgosa trees of twenty feet in height in great numbers, besides trees of nine feet high, which are fit for firewood.

11. The next is No. 34, Moocrambaukun, exhibited in the Statement A., the jungle of which is three miles in extent, and the trees that now stand there are about twelve feet in height. This is situated to the north-east of the Cusbah of Trivellore, at a distance of about fifteen miles The trees in the jungle are fit to be cut and sold for firewood.

12. The next and the last village, No. 35, as shown in the Statement A, is Vengathoor This jungle is situated to the south of Trivellore, at a distance of four miles, and contains trees of six feet high fit to be cut and sold for firewood. A small sum of Tirwah has been fixed upon it and included in the puttas of the ryots.

13. The small sums levied on these jungles, and included in the puttas of the ryots in Nos. 9, 11, 12, 13, 14, and 15 in the statement, had been discontinued from Fasli 1276, and expunged altogether from their puttas, depriving any right or claim to the jungles.

14. I regret to observe that no attention has been paid for years past to the rules laid down for the preservation of the jungles, and the villagers, under the pretence of cutting fuel and firewood for domestic and agricultural purposes, have been actually destroying jungles and carrying on trade, and thereby the villagers have been practising a downright deception upon the credulity of the authorities. To check the irregularities above pointed out, I have adopted measures to prevent them; but I am not in a position to carry out my plans for want of proper establishment. Under the present state of existing things, I find it to be very difficult to check the illicit cutting and removal of firewood from our jungles, and which pass before my sight every day in lots of bandies; and when they are questioned, they plead that they have cut and removed it from the Samastanum jungles. Some of them have produced printed tickets in the shape of permits which are as indefinite as anything could be, and I apprehend that the issue of such tickets tends more to the depredations of the jungles than being a check on the other hand.

15. In conclusion, I most respectfully beg to state that with the exception of a few jungles, which in my opinion should be allowed to grow for some years more with the supervision of a proper establishment, the others may be allowed to be cut for sale either on rental or licensed system. The latter, I beg to say, has its own defects; for it is very difficult to bring it under proper scrutiny with the ill-paid servants, and perhaps it may be a losing concern. On the whole, preference may be given to the rental system, and in doing so portions of the jungles may be leased out, others being allowed to grow till the expiration of the first contract.

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ENCLOSURE No. 8.

A. – *Statement showing the Villages in which the Jungles are situated and their Extent, etc.*

General No.	Number of the Village.	Names of the Villages.	Extent of the Jungles.	Extent of the Hills.
1.	231	Kambakam	2,304 95 0	11,363 56 0
2.	234	Arat oor	1,208 34 0	... ...
3.	235	Kadoor	1,420 5 0	... ...
4.	236	Nullatoor	725 20 0	... ...
5.	238	Goodeveriepolliem	547 48 0	... ...
6.	239	Esokapolliem	87 33 0	... ...
7.	241	Sunthovellore	923 11 0	... ...
8.	243	Woogoomooddy	1,449 91 0	... ...
9.	244	Thamanellore	809 89 0	... ...
10.	230	Pondoor	1,566 5 0	... ...
11.	214	Moodyoor	655 35 0	... ...
12.	205	Rapallpett	2,221 75 0	... ...
13.	208	Rammagherry	1,683 96 0	... ...
14.	209	Kristnapoorum	271 64 0	... ...
15.	210	Nagalapoorum	4,556 59 0	... ...
16.	213	Sattivedu	2,922 19 0	... ...
17.	177	Paradum	886 93 0	... ...
18.	178	Umbaukum	2,457 42 0	... ...
19.	185	Chennery	677 2 0	... ...
20.	184	Poothoo Coopum	1,109 83 0	... ...
21.	188	Thasee Coopum	436 93 0	... ...
22.	218	Namaloor	937 84 0	... ...
23.	220	Cothamari Coopum	2,100 4 0	... ...
24.	221	Chinna Ettivaukum	1,861 46 0	... ...
25.	226	Chervee	636 0 0	... ...
26.	228	Mopoorpulla	957 22 0	... ...
27.	229	Racherla	532 28 0	... ...
28.	59	Ullecoolee	835 61 0	... ...
29.	40	Gungooloo Cundiga	300 6 0	... ...
30.	41	Placepolliem	1,130 95 0	... ...
31.	43	Hodsonpoorum	981 83 0	... ...
32.	44	Hebrampoorum	1,342 2 0	... ...
33.	64	Vambadoor	774 14 0	... ...
34.	132	Mookoorambakum	590 0 0	... ...
35.	11	Vengathoor	334 14 0	... ...

TRIVELLORE,
26th July 1873.

(Signed) M. SAMY NAIDOO,

(True Copy.)

(Signed) R. W. BARLOW,
Acting Collector.

ENCLOSURE No. 9.

B.—*Statement showing the Villages where the Jungles had been let out, and the Amounts of the Rent derived by Government.*

General No.	Number of the Villages.	Names of the Villages.	From what year to what year.	Amount for.
1.	204	Moodyoor	72 to 77	23 0 0
2.	205	Rapallpett...	79 to 81	114 0 0
3.	208	Rammagherry	72 to 81	51 12 0
4.	209	Kristnapoorum...	72 to 81	30 12 0
5.	210	Nagalapoorum	71 to 75	17 12 0
6.	213	Sattivedu	73 to 75	43 0 0
7.	220	Cothamari Coopum	71 to 73	110 0 0
8.	221	Chinna Ettipaka	71 to 75	95 0 0
9.	39	Allecy	71 to 75	95 0 0
10.	40	Gungooloo Cundiga	71 to 75	2 0 0
11.	40	Placepolliem	71 to 75	... ...
12.	41	Hodsonpoorum	71 to 75	3 0 0
13.	43	Hebrampoorum	71 to 75	2 0 0
14.	132	Mookoorambakum	71 to 75	1 0 0
15.	11	Vengathoor	71 to 75	3 0 0
16.	64	Vambadoor	71 to 75	4 0 0
				... ...

TRIVELLORE,
26th July 1873.

(Signed) M. SAMY NAIDOO,
(True Copy.)

(Signed) R. W. BARLOW,
Acting Collector.

1321/50

From W. S. WHITESIDE, Esq., Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Palmanair, 16th September 1873, No. 585.

ADVERTING to the Proceedings of the Board, dated 29th May 1873, No. 897, I have the honour to submit the following remarks.

2. The subject upon which report was called for, viz., the best means of reconciling the rights of the ryot and the State in regard to fuel and timber is one of considerable difficulty, and is susceptible of different opinions.

3. The best plan which suggests itself to me is either to abolish the free license system altogether, or to work it under more efficient control than has hitherto been found possible.

4. Experience has shown that the free license system in any of the forms under which it is now worked is liable to very great abuses, resulting in the gradual destruction of forests, and heavy loss of revenue to Government. To exercise greater supervision than heretofore would cost more than it has done, as the Conservancy Establishment would have to be considerably strengthened. This would involve the State in heavy expenditure, probably not commensurate with the annual revenue now derived from the forests. I would therefore recommend the abolition of the free license system, which is beset with so many difficulties.

5. There can be no doubt whatever as to the right of the ryots, under certain circumstances, to timber for domestic use, free of all charge, but the exercise of that right is in the long run certain to result in its total extinction; for the right in question, as hitherto explained, consists only in felling timber, etc., from forests without any obligation on the part of the ryot to make arrangements for the preservation or reproduction of what is being steadily destroyed. The little that is done in the way of Conservancy, etc., is out of all proportion to what is daily undone, and the result of this state of things is likely to lead to the most disastrous results, the effect of which will be the total extinction of the right, for it is difficult to see how a right to a thing can exist, while the thing, in respect of which that right is held, is no longer in being.

6. The duty of preserving the right rests, I conceive, with those claiming an interest in it; and as that duty cannot safely be entrusted to the ryots in their present condition, the State must undertake the duty at the cost of the ryot. It is thus clear that my proposal to abolish the free license system would create no real hardship.

7. Now, as regards the State right in the forests, the above remarks, I think, will equally apply to it, and the Government must therefore contribute their own share towards the preservation of the forests, and for doing this they are entitled to a royalty upon the forests raised and maintained by them, and enjoyed by the ryots.

8. I have already set forth my reasons for abolishing the free license system, and if this were done, the objection to the enforcement of the State rights, without infringing those of the ryot, would disappear. But then, how, or in what shape, and by what agency, is the contribution to the State for the preservation and reproduction of forests to be raised without causing annoyance and oppression to those concerned?

9. The difficulties and objections to the way of collection of this contribution are multifarious, and, whatever means may be devised, they will certainly have little or no effect in remote parts of the country not brought under constant supervision.

10. I concur therefore in the proposals made by Mr. Wedderburn, which appear to me the best means of securing the object in view, viz., the enforcement of State right without interfering with the right of the ryot. I cannot suggest any better means for the present. At any rate we can but try Mr. Wedderburn's plan, until we gain more experience of forest administration.

11. I object, however, to the system of leasing out the forest tolls to contractors. This will only have the effect of relieving us of anxiety about the expected revenue to Government, but the ryots will be under the same unhappy predicament in which they are at present. The contractor would assuredly care very little for the rights of the people, his immediate object being to make as much profit as possible out of his contract.

Forest Department have more trouble in looking after the contractor and his people than they would have in working the forests themselves; this is merely my opinion, as I said above, but I believe it to be correct.

2. In my opinion, it would never answer to collect the tax as the wood leaves the forest, either by contract or by peons on behalf of the department; most of the wood would be taken without payment at all, or hundreds of people would have to be employed to guard the hundreds of roads leading from the forests, the quantity of wood smuggled then would be greater than it is now, nor do I think that the ryots should be deprived of a right so long enjoyed; they should take free what wood they actually required for cooking purposes, also for rebuilding their houses when destroyed by fire or any other mischance, but when they wanted to improve, enlarge an old or build a new house, we may suppose they are in good circumstances and fairly demand payment for the wood required, and they should, as now, be required to obtain a free license from the forest office or from the Tahsildar before going to the jungle to fell; poor people allowed to take head-loads of firewood free should be provided with a free pass from the forest office for six or twelve months, when it should be renewed, and, to prevent the general smuggling now going on, the authorities of the villages along the foot of the hills might be held responsible for the timber, wood, etc., passing their respective villages, and the forest officer should have power to challenge timber while in transit to its destination; the Forest Tannahs are so few and so far from each other that any one who chooses to be a rogue can what wood he likes to take from the forests without passing near a Tannah and with little fear of detection, for he is no sooner clear of the forests than he is safe; we cannot detain his wood, although we know he stole it. The burden of proof then rests with us, and it is impossible to prove he felled it unless we saw him in the act. If we could call upon them to prove where it was felled and could challenge while the wood was in transit to its destination, and after it left the forest limits, it would be the greatest possible blow to smuggling that could be devised.

VELLORE,
17th July 1873.

(Signed) SHEFFIELD,
Deputy Conservator of Forests.

(True Copy.)

(Signed) W. S WHITESIDE,
Collector.

ENCLOSURE No. 4.

From F. WILKINSON, Esq., Head Assistant Collector, to the Collector of North Arcot, dated Ranipett, 22nd July 1873, No. 404.

WITH reference to the foot-note, dated 17th June 1873, appended to Board's Proceedings, dated 29th May 1873, No. 897, about seigniorage on firewood, has the honor to inform that he has no opinion to offer on the subject.

(True Copy.)

(Signed) W. S. WHITESIDE,
Collector.

ENCLOSURE No. 5.

From P. IYALOO NAIDOO, Deputy Collector on General Duty, to Collector of North Arcot, dated Wandewash, 19th August 1873, No. 323.

I HAVE the honour to acknowledge the receipt of a copy of the Proceedings of the Board of Revenue, Forest No. 27, of 29th May 1873, with the late Acting Collector's foot-note, dated 27th June last, regarding the operation of Forest Conservancy Rules, and to submit it as my opinion that the system of issuing free licenses to ryots can be abolished now.

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2. In my humble opinion the policy in collecting seigniorage on fuel and timber taken from Government forests ought to be, not how to increase the Imperial Revenue, but how to pay the charges requisite to plant trees wherever they have been felled or taken by people. In other words, the seigniorage collected need not be more than what is necessary to grow forests of fuel and timber in tracts annually cleared by people.

3. Ryots are entitled to fuel and timber free of tax, and their communal rights deserve great respect and every consideration; but, as money is needed to replace the trees felled, the State is entitled to seigniorage on fuel and timber taken by others than ryots. So long as the generality of the cultivating class continues in its present ignorant state, it is not easy to enforce the claim of the State without infringing on their privileges.

4. The plan suggested by Mr. Wedderburn goes to remedy the evil to some extent and no better plan has occurred to me.

5. I would therefore propose—

I. That the practice of issuing free licenses to ryots be abolished.

II. That the head-loads of fuel taken by a ryot or any other man, pauper or rich, to any place or market, be not charged with seigniorage.

III. That toll-gates be established at proper distances from jungles for the collection of seigniorage on fuel taken otherwise than as head-loads, and on timber carried on head, cart, or otherwise.

6. A ryot when not bound to procure a free pass can take as much fuel as he finds necessary to any place on his head. When he takes it on cart or cattle, or timber required for his house within the toll-gates, no one can annoy him as he is not liable to tax. It is only when he takes timber or cart-load or cattle-load of fuel beyond the toll-gate, he is to pay the seigniorage.

7. The people that take fuel on head to market for sale in order to gain their livelihood are evidently poor. It is not equitable to collect seigniorage from them for their honest labour which deserves encouragement.

8. The toll-gates must be established at such places as will enable ryots to take home fuel and timber from jungles without crossing the toll-gates. It is possible that some would escape toll. It is better to allow such petty smuggling than to subject the ignorant or poor ryot to oppression and annoyance.

(True Copy.)

(Signed) W. S. WHITESIDE,
Collector.

Rd. W. H. French.

1321/59

From H. E. SULLIVAN, Esq., Acting Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 6th August 1873, No. 279.

I HAVE the honour to reply to the Proceedings of the Board of Revenue, dated 29th May 1873, No. 897, (Forest No. 27.)

2. The result of my experience in this district, extending now over more than a year, is that the communal rights of the people to firewood and timber for domestic consumption are not practically ignored in South Arcot as they were in Coimbatore when I was acting there for Mr. Wedderburn, and, as it would appear from his letter, they are up to the present time, owing to the village officers having made common cause with the persons to whom the levy of seigniorage is farmed out in that district. The root of the mischief lies in the contract system, which I did my utmost to get rid of when in Coimbatore. It does not exist here, and no complaints have reached me of undue exactions on the part of the officers of Government entrusted with the issue of free passes and felling licenses.

3. In regard to the free passes, however, I think the present system is susceptible of improvement. I agree with Mr. Wedderburn that the difficulties to be overcome in obtaining them, and the conditions with which they are fenced in, make the privilege rather a doubtful one. He proposes to abolish free licenses altogether, and to tax all fuel and timber without respect of persons but only when it leaves the jungle; the toll being collected at certain fixed stations. I do not think this would be fair to the people who live in cultivated tracts remote from jungle, and who have to pay the cost of carriage, and it would unduly favour those who, though surrounded by forest, cultivate largely, and as a rule have far better land. I have in my mind's eye as I write this certain luxuriant villages in the Collegal Taluq in Coimbatore. Mr. Wooldridge, the Deputy Conservator of South Arcot, proposes, and his proposals have my concurrence—

(1.) That all jungles should be placed under Conservancy rules as to the size and description of timber to be felled.

(2.) That the system of free passes should be abolished, and *head-loads* of firewood and small timber permitted to be collected free of toll for domestic and agricultural use.

(3.) That persons desirous of taking larger quantities should be compelled to take out a license previous to entering the jungles.

(4.) That only in cases of a house being burnt down, or a new village being erected, should special licenses to fell timber free of charge be granted.

4. Doubtless a good many of the head-loads would find their way into the market, but as a rule they would be purchased by those who would have a right to cut it free of charge themselves had they been able to go or send to the jungles for it. This system will probably involve a trifling loss of revenue, but I think it will prove a great boon to the poorer classes. Mr. Wooldridge points out that the jungles in South Arcot are so scattered, and in some cases in such close proximity to private forests, that the collection of tolls at fixed stations would be difficult. His proposal, that licenses for cutting bandy-loads of firewood in Government forests in tracts set apart for the purpose should be taken out previous to entering the jungles, would obviate any difficulty of this sort, and these licenses would protect the wood as far as the market. A copy of his letter is enclosed.

ENCLOSURE No. 1.

From W. S. WOOLDRIDGE, Esq., Deputy Conservator of Forests, to the Acting Collector of South Arcot, dated Cuddalore, 30th July 1873, No. 73.

IN reply to your letter, No. 283, of the 13th June 1873, forwarding copy of Revenue Board's Proceedings, No. 897, dated 29th May 1873, requesting me to report how the rights of ryots and the State can best be reconciled in regard to fuel and timber, I have the honour to report that I consider the rights of the ryots would be protected in this district by the abolition of free passes of all descriptions, as now issued to ryots by Taluq authorities, and that the ryots be allowed to collect head-load of fuel and jungle wood free for purely household consumption and agricul-

tural or building requirements without any license or pass. That only in case of houses being burnt down or new village about to be raised should a special license to cut timber free be given by a Divisional Officer according to the merits of the case.

2. The right to collect free without license should, I submit, not permit the ryot to collect fuel free for manufacture of iron, jaggery, sugar, indigo, and other manufacture, and the rules now in force for the closing of certain jungles, and as to the size and classes of the timber to be felled, would still be necessary for the preservation of the forests.

3. From the manner in which the firewood and second class jungles of this district are scattered over the taluqs the right to collect bandy-loads free would, if permitted, be vastly favourable for the people, but would scarcely be so for the State revenue, because most of the timber and fuel collected is consumed in the taluq where collected (the supply of firewood to Pondicherry being the only instance of fuel being exported) ; and I do not consider the State rights would be fully upheld by permitting *bandy-loads* to be removed free, nor by levying a tax only on cart-loads passing through fixed points on boundaries and thoroughfares as proposed by the Collector of Coimbatore in paragraph 12 of his letter to the Secretary to the Board of Revenue, embodied in the Proceedings under reply ; but the number of points to be guarded under such a system in this district would be very many, and decidedly it would be requisite to form the collections throughout the district. Again, it would be difficult to decide what circle of villages would be entitled to free wood, and where the lines of stations should be placed, and therefore I have to suggest as above that all free passes be done away with (excepting special cases of destruction by fire or new villages already alluded to), and in place of levying a tax on passing cart-loads of forest produce to require every one to purchase a license for removing *bandy-loads* whether ryot or not, whether for household consumption or for sale.

4. But in this case the seigniorage fees now in force for firewood might be lowered somewhat, while head-loads and bullock-loads of fuel and jungle wood should be allowed to be removed free of all tax or license (head-loads free of tax or license, in addition to free passes for larger quantities, is now the rule in force in this district.)

5. More facilities for purchasing licenses might be given ; this latter end might possibly be obtained, and without there being much likelihood of [illegible] oppression to the *poor* ryot by the adoption of some such system as is now in force for sale of stamp papers by a staff of license vendors in fact who might have an interest in the sales in the shape of a commission thereon.

6. It seems to be acknowledged that there is no oppression or extortion connected with the purchase of licenses like that described by the late Deputy Collector of the Northern Division in his letter* to the Collector of Coimbatore as being the case with the issue of free passes by village authorities and others, and I am decidedly of opinion that free passes could be abolished with advantage to the ryot ; for I feel sure the causes of complaint, namely the distance to go to obtain, and delay in the issue of the passes, entailing cost and inconvenience to the needy villager, exist in this district the same as in others.

* Also embodied with Proceedings under reply.

7. There is no system of leasing the collection of seigniorage to contractors in South Arcot ; it was tried in 1869-70 and found not to answer well ; the ryots complaining of undue taxation by such renters it was put a stop to at the end of one year's trial, and has not been attempted since.

8. Another reason that every one requiring to remove wood, etc., in larger quantities than by head-loads should be compelled to purchase licenses previous to entering the jungles rather than that bandy-loads should be taxed only on passing certain stations is that [illegible]ere are several Jaghires and Zemindaries containing considerable jungle tracts, the produce [illegible]n which could scarcely be taxed *en route* similarly with the produce from State property for which no royalty had been before levied, and the wood merchants would always have an escape if the former produce was passed through *free* so long as a stick of wood remained on private land, or else an extra chain of stations would be necessary around each property. - Putta land timber would also require to have some special rules laid down with regard to it.

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9. To sum up. As it appears to be a fact that ryots are accustomed to pay in an indirect way nearly as much for a free pass as for a license, I consider their rights will be protected by allowing them the free collection without passes of brushwood, bamboos, firewood, and jungle wood (timber) in head-loads or bullock-loads to any number they may require, inasmuch as jungle villages would scarcely ever require bandies for removing any wood they might want to use for their houses and farms ; while the interest of the State will be upheld by prohibiting the removal of wood, etc., in large quantities, *i. e.*, by *bandy-loads*, except under cover of licenses purchased in regular course (giving the additional facilities for obtaining such), or by the other system of taxing produce on its passing fixed points as proposed by Mr. Wedderburn in his letter above referred to ; but I think for reasons given above the former method of realizing revenue from forests and jungles the one more suited to this district.

10. I must remark in connection with the foregoing that I imagine there would be considerable dissatisfaction felt if under a changed system free passes were altogether abolished, and villagers of taluqs under conservancy had always to purchase licenses or to pay toll for removing fuel and timber in bandy-loads ; while in an adjoining taluq equally covered with firewood jungles, but in which conservancy rules were not in force, villagers were able to remove fuel and timber in bandy-loads without payment of any fees to Government and openly sell the same in market.

11. I believe I am correct in stating this of the Trikalore and Virdachellum Taluqs, and would urge the necessity, even without a change in the system of giving passes and realising revenue from the forests and jungles, that the jungles in these two taluqs be brought under Conservancy rules, not so much on account of the revenue that might be derived, but that by this means a stop may be put to the excessive felling taking place.

12. In regard to the Trikalore Taluq it is patent that very soon the large wood in the jungles will disappear altogether ; people who trade in firewood of large dimensions, and have supplied the important factory in Trivanellore with fuel for years from these jungles, make it a cause of complaint that they now cannot as readily collect the firewood ; that they have now to cart it sixteen miles where they used to cut it as near as six. I would observe too that the price per bandy-load realised by the sale of the fuel collected at the former distance, and delivered at Trivanellore, is only one-third more than the seigniorage fee alone now levied in the surrounding taluqs.

13. In support of the above I am able to instance one jungle near the village of Mayoor, lying south-west of Trikalore, and about five miles north of Lalpett, a Forest tannah in Cullacoorchy Taluq, of which the area was about 3,000 acres, and from which I witnessed the last twelve cart-loads of large Tooringee wood being carted away for sale. Scarcely anything remains in this tract now but bushes ; a tree over ten feet high is the exception.

(True Copy.)

(Signed) J. THOMSON,
Assistant Collector.
for Acting Collector.

Exd. J. Tulloch.

1371/61

A

From J. B. PENNINGTON, Esq., Acting Collector of Trichinopoly, to the Secretary to the Board of Revenue, dated 27th October 1873, No. 245.

With reference to Board's Proceedings, dated 29th May last, No. 897, I have the honour to state that the villagers living up the hills in this district were never made to pay any seigniorage for fuel, etc., cut by them, neither were the villagers in the vicinity of the hills made to pay for wood, etc., cut by them for domestic consumption.

2. As regards the question as to how the rights of ryots and the Government can best be reconciled, I beg to submit herewith a copy of few rules which I lately added to the Forest Conservancy Rules of the Presidency in regard to the mode of levying seigniorage for wood cut, and for granting free licenses for those who are entitled to take wood free, and I am persuaded that the above rules are likely to work satisfactorily both as regards the conservancy of the forests and the levying of seigniorage due to Government without in any way interfering with the recognized privileges of the ryots; but the rules have not been worked long enough to enable me to speak positively on the subject.

Enclosure No. 1.

RULES FOR THE CONSERVANCY OF THE FORESTS IN THE MADRAS PRESIDENCY.

I. All parties found felling trees or removing timber or firewood from Government Jungles and Forests in breach or disregard of the prescribed rules will be liable to criminal prosecution for theft, mischief or trespass, as the case may be, under the Penal Code, and to the confiscation of the timber, etc.

II. The trees and shrubs which fringe springs and mountain streams (to a distance of twenty yards from each bank) are not to be felled. Parties felling or recklessly injuring the same will be liable to criminal prosecution.

III. Charcoal burners, or others, setting fire to any of the Government Jungles or Forests will be liable to be prosecuted for "Mischief" under the Penal Code.

IV. A list of the reserved timbers and the seigniorage to be paid thereon, as published in the Gazette of each District, may be obtained by applying either at the Collector's Office, or at the Office of the Forest Department. Copy will also be kept in each village of any consequence in the District.

V. None of the reserved timbers (except Satin-wood, Red Saunders and Sandal-wood) are ever to be felled when the tree is less than three feet in circumference at three feet from the base.

VI. As one of the chief objects of conservancy is to preserve saplings and young trees, and to restrict felling to such trees as have come to maturity, it is hereby ruled that when the reserved trees are found cut, or being brought out of the forests of a less circumference than three feet, the license holder shall be subject to the forfeiture of his license and to the confiscation of the timber.

VII. All trees felled must be cut within three feet from the base.

VIII. All applications for license must state whether the timber required is to be brought out of the forest in the rough, or worked up, as the latter pays a higher seigniorage.

IX. All timbers not included in the published list as reserved, and bearing a fixed seigniorage, will be charged with a seigniorage of 1 Rupee per (two bullock) bandy load.

X. Ryots are allowed to cut the unreserved kinds of timber free of charge for agricultural purposes within their village boundaries; but if they require the reserved kinds of timber they must pay the fixed seigniorage.

XI. Villagers are in all cases allowed to cut firewood from low scrub jungle for their own use free of taxation.

XII Where firewood is liable to taxation the seigniorage payable thereon shall be notified in District Gazette, and in the villages to which the rules may be applicable.

XIII. The preservation of village topes devolves upon the village authorities, subject to the orders of the Revenue Department.

XIV. For the convenience of parties not entitled to the right of cutting timber and firewood, and who may require less than one bandy load, tickets will be issued for bullock, donkey, or head loads of the unreserved sorts of timber. The seigniorage will be 4 Annas for the bullock load 3 Annas for the donkey load, and 2 Annas for the head load. The reserved timbers can only be felled by parties taking out a voucher and license.

XV. The seigniorage upon bamboos shall be levied at the rate published in the Gazette of each District. Ryots are allowed to cut bamboos for agricultural purposes, or for the *bonâ fide* erection of their houses, free of any taxation.

XVI. Charcoal burners shall not fell the reserved timbers, and may only fell unreserved timbers in such localities as shall be assigned to them by the Forest Department. In cases where seigniorage is payable upon charcoal it will be published in the District Gazette.

XVII. Parties wishing to fell timber in Government forests shall pay the seigniorage for the number of bandy loads required in advance into one of the Taluq Treasuries, and shall receive from the Tahsildar a numbered voucher (in duplicate) from the Voucher Cheque Book for the same. The Forest Department, on receipt of the voucher, shall grant a printed license for the number of bandy loads paid for, and shall attach thereto the duplicate voucher, the name of the wood being specified, or (if not one of the reserved kinds) the same being entered as jungle wood. The number of bandy loads shall be checked off on the back of the license as the loaded bandies pass through the first village either by the village authorities, or by the Forest Peon or Duffadar. When the full number of bandies specified in the license has been checked off on the back of the license the documents shall be detained and forwarded to the Tahsildar, who shall submit them to the Conservator in due course.

XVIII. The portion of the forest in which the felling is to take place shall be specified in each license, as well as the Tanah station or village through which the timber is to pass.

XIX. The time allowed for licenses to run shall not exceed three months.

XX. Any one felling trees in the forests or removing the same, within the limits of the Tanah stations, must be ready to produce both his voucher and license when required.

XXI. Time-expired licenses must be given up, even though the timber paid for has not been removed.

XXII. All confiscated timber shall be arranged and numbered off into lots by the Forest Officer, and shall be sold by public auction after due notice shall have been given in the District Gazette, and also, if the timber is of much value, in the *Fort St. George Gazette*. All purchasers will be required to pay the price of the timber purchased into the Taluq Treasury, and to produce the Tahsildar's voucher for the same before they remove the timber.

XXIII. In the event of confiscated timber being sold by auction 50 per cent. of the net profits will be paid to the informer, whether he belongs to the Forest Department or not.

(372/62)

THE TRICHINOPOLY JUNGLE CONSERVANCY RULES.

I. The following officers *alone* are authorized for the present to issue licenses for felling timber fuel, bamboos, etc., and for burning charcoal and to collect seigniorage on behalf of Government, and no other individual or Forest servant is authorized to receive any money whatever on account of such licenses :—

Tahsildars and Sheristadars of Musiri, Perambalur and Udaiyarpaliyam, and Deputy Tahsildars of Turaiyur and Rajendrapatnam.

II. Village Rangers are authorized to issue licenses and collect seigniorage on bullock, ass or head loads *only*.

III. It must be distinctly understood that the license (paid or free) must be obtained before entering the jungle to fell wood, etc., or burn charcoal, and be produced when required by any Forest and Revenue Officer or Servant, and any person found felling wood or burning charcoal in the Government Forests or Jungles without a license will be liable, in addition to the confiscation of the wood, to criminal prosecution under the Indian Penal Code for theft or mischief.

IV. Charcoal burners must put out their fire before leaving, and no Government hills are to be set on fire without express permission.

V. The "Malayalies" (men living up the hills) have a right to fell wood for their own use free of all charge. Parties wishing to fell timber in Government forests shall pay the seigniorage for the number of bandy loads required in advance into one of the Taluq Treasuries, and shall receive from the Tahsildar a numbered license (in duplicate) for the same. This license shall be produced to the Ranger named in it, who shall retain the duplicate of the license and deliver the original to the party to serve him as a permit. The number of the bandy loads shall be checked off by the Ranger on the back of both the licenses, and the duplicate returned by him shall be transmitted monthly to the Tahsildar. The original license, which will serve as a permit till the party takes home the wood, etc., shall be delivered to the Munsif of the village to which the wood is taken.

		Rs.	A.	P.
* Bamboo ...	Cart load	1	0	0
	Head load	0	0	6
	Donkey load	0	1	0
Charcoal ...	Cart load	1	8	0
	Head load	0	2	0
	Bullock load	0	4	0
	Donkey load	0	2	0
Fuel	Cart load	1	0	0
	Head load	0	9	0

Waddar carts half the ordinary rate.

RULES UNDER WHICH FREE FELLING IS ALLOWED.

I. Villagers are entitled to wood for their agricultural implements and erection of cow sheds, etc., free of seigniorage, and to firewood for their own use, but *they must obtain a free pass before felling it.*

II. A permit must invariably be obtained before entering the Forest or Jungle for the purpose of felling or removing timbers, etc., and parties found felling or removing timbers, etc., without such permit will be dealt with as ordinary offenders, although they may otherwise be entitled to fell free. The following are authorized to issue free passes under the Forest Conservancy Rules :—

The Collector of the District.
The Forest Officer in charge.
All Revenue Officers in charge of a Division or part of a Division.
All Tahsildars and Deputy Tahsildars.
Forest Overseers.
Ranges of villages as per list published in District Gazette *(for quantity not exceeding three head loads.)*

A supply of free licenses in duplicate signed and sealed by the Forest Officer in charge will be supplied to each of the above, the original to be issued to applicants and the duplicate at once sent to the Ranger in charge of the village in which the felling is to take place to enable him to

recover the original on the expiry of the time (Vayida), and check the quantity felled with that entered in the pass. All officers issuing free licenses will keep an abstract register of the same in the form prescribed, in order to prevent the same party obtaining a further pass before adequate time has elapsed.

III. Government ryots are entitled to have the following free under the Forest Conservancy Rules under the orders of the Divisional Officer :—

Timber of the unreserved classes, and bamboos for erection of their houses when destroyed by fire or other exceptional causes.

Do. do. for their sheds and kottais.

Do. do. for all agricultural purposes and head loads of firewood and bandy loads on obtaining free permit.

IV. In cases where there is any doubt as to quantity, etc., to which an applicant is entitled, or when it is considered advisable to allow timber of the reserved classes, reference should be made to the Forest Officer in charge who will settle the matter, or if necessary refer to the Conservator of Forests for special orders. In such cases the referring officer should invariably state his opinion and reasons for the special grant.

V. In granting timber for agricultural implements, etc., the amount of assessment paid and the nature of the soil should of course be borne in mind. The average requirements are found to be as follows :—

3 Ploughshares. 1 Yoke. 2 Poles. 2 Plough handles. 1 Vullaky. 1 Harrow. 3 Hand sticks for driving bullocks.	Per annum for each pair of bullocks, average cultivation 3 acres Nunjah, or 10 acres of Punjah.

For re-erection of ordinary houses the following may be considered ample, and the applicant should be required to pay for any excess by taking out a license :—

30 Posts of sizes. 20 Breast summers. 5 Cross beams. 240 Rafters. 32 Bundles of reapers (head load). 5 Bundles (head load) of bamboos for backyard.	A tiled house of four Anganums.
10 Posts. 11 Small beams. 104 Rafters. 16 Bundles of reapers (head load). 5 Bundles (head load) of bamboos for backyard.	A thatched house of the above dimensions.

VI. Tracts for free felling and grazing will hereafter be notified by the Collector, and attention is called to the Free Pass rules, copies of which, as well as of the other rules of the Department, rates of seigniorage, etc., can be obtained on application to the Tahsildars, Forest Overseer or Sub-Overseers, and may be seen at each Ranger's station.

VII. All former rules and arrangements are cancelled.

(Signed) J. B. PENNINGTON,
Acting Collector and Conservator.

1321/63

RANGERS' LIST.

Taluqs.	Villages.	Rangers.
Musiri	Uppuliapuram...	Ramaien, Munsif Gumastah.
	Turaiyur	Ramasawmi Naiken, Munsif.
	Varadarajapuram	Nallappareddi, Munsif.
	Vengitathankuttei	Baupu Chetti.
	Kirambur	Rengachi Reddi, Munsif.
	Sirunattam	Sinnaramakonan, do.
	Maruvattur	Sellappareddi, do.
	Okkarai	Pethureddi, do.
Perambalur	Ladapuram	Virachi Naik, Munsif Pattamanium.
	Puliyur	Muthurengareddi, do.
	Visuvakudi	Bavarasul Ravuthen.
	Tondamandurai	Nallappareddi.
	Arumbavur	Muthuvenkatachella Reddi.
Udaiyarpaliyam ...	Marakalankurichi	Dorasami Padiachi.
	Puvanipattu	Ariabathira Chetty.
	Kidarankandan	Annamalai Padiachi.
	Amanakantondi	Ariabathira Padiachi.
	Vettiyarpattu	Appavu Padiachi.
	Saluppai	
	Pichanur	Ramasawmi Nainan.
	Kundaveli	Ramasawmi Thaven.
	Udaiyanattam...	Bethusami Chetty.
	Tumavanallur	Kistnaien.
	Sattampady	Venkatathiri Iyen.
	Kodukkur	Vilayudam Pillai.
	Agaram	Nallappadiachi.
	Rangiyam	Shunmoogappadiachi.
	Vangudi	Cendrasagaram Pillai.
	Govindaputtur	Rmasawmi Padiachi.
	Kasankottai	Venkatachella Padiachi.
	Puthur	Vanthachi Muppan.
	Armbappur	Srinivasam Pillai.
	Senkuli	Chinnasawmi Pillai.
	Elakkurichi	Soobrayamooppan.
	Koolathur	Rama Pillai.

137/64

From H. W. BLISS, Esq., Acting Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 29th September 1873, No. 310.

I HAVE the honour to submit the Report called for in paragraph 7 of Revenue Board's Proceedings, No. 897, dated the 29th May 1873.

2. It appears to me to be a mistake to talk of the *rights* of the State in regard to fuel and timber, and to say that the State is *entitled* to a seigniorage on firewood and timber cut under certain circumstances, for the *right* has been created only by an executive order of Government, opposed to immemorial custom and without legal basis to justify interference with the right the people have enjoyed since the country first existed of cutting firewood and timber when and where they pleased.

3. Admitting, however, that the right of the State to charge seigniorage exists, it is difficult to suggest any means by which that right can be entirely reconciled with the right of the ryots to cut timber and firewood free.'

4. So far as I can ascertain, the present system in this district is that the people do a great deal more than maintain their rights; for not only do the actual cultivators get from the forests what they require without payment to Government, but numbers of others who are not cultivators do so likewise; and, unless a very much more trustworthy (because better paid), set of men can be enlisted in the Forest Department than now are, they will continue to do so.

5. I cannot say, however, that I view with much regret the existing practical failure of the Forest Department to carry out its rules as regards firewood, for the people must have it to cook their food, do little harm in the forests by picking up the few sticks they require, and if they can get firewood from the jungles easily, are the more likely to abstain from using as fuel the manure which should go to nourish their lands, and the loss of which will, I believe, some day have more important economical consequences than are pleasant to think of.

6. As regards also timber, properly so called, the Forest Rules are in this district practically inoperative, but in this case, for the reason that there is, it may almost be said, no timber at all in the forests, and that, therefore, none can be cut either with or without payment of seigniorage. Small wood suitable for agricultural implements and for the building of the thatched houses in which the great majority of the people live, there is in plenty, and though seigniorage is certainly paid for some of it, a good deal, I have no doubt, is removed from the jungles without payment by persons who are not entitled under the rules to take it free. The reason is, as mentioned above, the inferior set of men who constitute the Subordinate Forest Establishment.

7. Besides such building wood as is suitable for the roofing of thatched houses, there is also departmentally felled and sold from depôts a certain quantity of timber of very small scantling, but fit for use in tiled and terraced roofs of small span. I have seen hundreds of such rafters in the depôts, and if I say that they average 10 feet by 5½ inches by 3½ inches I shall not be under the mark. They are of course quite unfit for use in large and substantial buildings, timber for the erection of which (*e. g.* the Taluq Cutcherries at Peraeolam and Palni, and other buildings I could mention) has to be got from Polachi or Negapatam (Burmah Teak); and I think it is much to be regretted that they are allowed to be cut at all, and not left standing to grow into something bigger and more useful. But I suppose it is necessary to fell a certain proportion, at all events, of what can be got, whether it is good timber or bad, so that the department may not be carried on at a dead loss.

8. There are, however, I think, two other ways in which this undesirable consummation may be prevented. The first is to abolish free felling altogether, and the second to allow it universally except in certain reserved tracts which should be strictly conserved under a severe forest law. Either course would, I think, effect the object desired.

9. I am quite aware of the objections which will be raised to the first proposal, to abolish free felling altogether, on the score of interference with the immemorial rights of the people. But all rights are creations of law and may justly be modified or abrogated *by law* for the

common good; and in those parts of the country where felling has reached its maximum and the forests are denuded of everything but sapplings, as is not unfrequently the case, it is better that this generation should be restricted in consumption to the utmost by the imposition of a tax, and the forests so given time to recover themselves, than that posterity should suffer, as they otherwise must, from the want of a prime necessary of life. As the forests become re-furnished with wood, the tax might be reduced, and ultimately abolished; for when once an equilibrium was re-established between demand and supply it would not be difficult or expensive, under proper regulations, to prevent its being disturbed again.

10. But the circumstances of this district are not, I think, such as to demand any such extreme measure. Here it would seem that the best thing to do would be to give up all attempts to raise a revenue from the non-agricultural population by the grant of licenses for the collection of firewood and the cutting of timber, and to allow free felling within certain limits which should be strictly defined, and once fixed no more interfered with by the Forest Department, unless in instances where the jungle was sufficiently extensive to allow of its division into blocks, which could be in turn closed for terms of years to allow of reproduction. In such cases, the arrangements as to closing and throwing open blocks for felling would be in the hands of the Forest Department; but otherwise, their relief from the duty of watching comparatively valueless firewood jungles would vastly reduce their work, and leave them at leisure to devote their full attention to the conservancy and improvement of the real forests, where good timber can be grown, and to the development of systems of plantations of which the very commencement has still, it may be said, after many years, yet to be made.

11. Should such a plan be adopted, there might be a slight loss of revenue at first until plantations grew up and the forests felt the effect of proper management. But the primary object of the Forest Department should not, I think, be revenue; and certainly not revenue, except so far as it is necessary for the promotion of the general good.

12. But whatever course be adopted should, I think, be prefaced by the enactment of a Forest Law, so that the operations of the department may have that legal sanction which is now wanting, and the absence of which, I cannot but think, must tend to make their action feeble and uncertain.

13. In conclusion, I venture to submit a few remarks on the paragraphs of the Board's Proceedings, under reply, which precede that in which the present report is called for.

14. The contract system of collecting seigniorage is not in force in this district, but I would advocate its introduction wherever possible, as I am convinced that in the long-run it will be the most profitable. I do not think it is fairly open to all the objections which have been made to it. For instance, the Board speak of a "Sub-lessee annoying the people until they agreed to pay a tax of 4 Annas a plough;" but this is hard language to apply to a man merely because he insisted on his right to tax all wood for which free passes were not produced. It is not pretended that he extorted money from people who had free passes; and the obligation to get free passes, or else pay seigniorage, obtained when the Forest Officials made the collections directly, as well as when they did so through the agency of a Contractor, and the ryots in either case had only themselves to blame if they did not choose to take the necessary steps to escape a payment to which they were not liable.

15. Again, it is complained that the village officials make common cause with the Contractors to enable the latter to make collections to which they are not entitled. But they are just as likely, in my opinion, (though I have never heard any complaint that they do so in this district), to make common cause with the Subordinate Forest Officials for the same object.

Exd. G. A. Turton.

1321/65

From R. K. PUCKLE, Esq., Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated Courtallam, 27th June 1873, No. 342.

With reference to Board's Proceedings, No. 897, dated 29th May last, I have the honour to inform you that I have long noted the difficulty of levying a seigniorage rate for cutting firewood, and at the same time securing to the ryots the right of free cutting for domestic and agricultural purposes within their village limits. The forest revenue mainly depends on the levy of this seigniorage, but this revenue is insignificant, and might well be dispensed with in places.

2. As explained in paragraph 4 of my Annual Report for 1872-73, I would mark off hill-sides or spurs, or other suitable places, away from the banks of streams, for the free cutting and grazing of each village at the foot of the hills, and I would have such tracts carefully watched to prevent intrusion on the reserved forest beyond. It should be a special condition of the continuance of the privilege of free cutting and grazing that the jungle and pasture so allotted are for the *bona fide* use of the one particular village to which they are allotted and for that village only, and that the pasturage is not to be let out or the wood sold to other villagers. Firing the grass and charcoal burning on the hill-side should also be strictly prohibited, as a single fire will perhaps destroy thousands of young seedlings as well as numberless seeds that may be ready to germinate. I have marked off the hill-sides and spurs needed as village jungles and pastures along thirty miles of hill in this district, and can at any time mark off the remainder; the thing is very simple if done on the spot in consultation with the villagers; all that is needed is to ascertain the approximate wants of each village at the foot of the hill with reference to population, the number of cattle, the existence of other grazing grounds, etc., etc., to fix on a suitable spot of about the area needed, and to record the boundaries, which should be visited and made over to the care of a special watchman for each village. There are no hill villages here, but in districts where there are hills villages, a tract of scrub jungle adjacent might be made over for firewood cutting, and the cattle might graze where they like.

Exd. G. A. Turton.

1371/66

From A. WEDDERBURN, Esq., Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 7th July 1873, No. 138.

In reply to paragraph 7, Proceedings Board of Revenue, dated 29th May 1873, Forest No. 27, I have the honour to refer the Board to paragraphs 12, 13, and 14 of my letter therein printed.

2. Wood should only be taxed when it comes out of the jungles into the villages and towns which have no jungles of their own, and whose inhabitants in fact are not entitled to cut wood anywhere after the extinction of their own communal forest or jungle.

1371/67

From J. F. PRICE, Esq., Acting Collector of Salem, to the Secretary to the Board of Revenue, dated 18th November 1873, No. 348.

I HAVE the honour to reply to the Proceedings of the Board of Revenue, No. 897 (Forest No. 27), dated 29th May last.

2. The subject to which it refers is one to which attention has been for a long time past directed in this district, and I believe myself correct in saying that the arrangement as regards the rights of the ryots to fuel, etc., is on a much better footing here than in Coimbatore.

3. The system of leasing out the seigniorage rights of Government does not hold in this district. I consider it highly objectionable, and merely a vehicle for extortion and oppression. Our only contracts at present are for cutting for the depôt, and for the right of cutting wood to sell by the cart-load. These latter I have continued for another six months. I have done so at the recommendation of the Deputy Conservator, after discussing the matter carefully with him. The contracts give no right to collect any seigniorage. The contractors simply pay down a lump sum, and are permitted for this payment to collect and bring in for sale in the towns the dead and fallen and useless wood from certain tracts of forest, which will in future be classed as "Reserved." There is an express stipulation in the contracts, under penalty of forfeiture of the rental, that the rights of the ryots are to be respected and not interfered with, and that coolies who live by selling head-loads of wood, the result of their daily labour, are to be permitted to collect fuel without molestation. Every precaution to prevent fraud and extortion is taken, and I see no objection to the existence of these contracts, which do not interfere with the privileges of the ryots the slightest degree, are a great boon to the inhabitants of towns who would otherwise be entirely dependent upon head-loads for their supplies of fuel, and also tend, by the removal of dead wood, to prevent fires, and to (by the fact that if a green tree is cut by the contractor he forfeits his right to collect fuel and his deposit into the bargain) stop illicit felling. A maximum price is under a penalty fixed, so that the contractor can never under-sell, and cut out the wood coolies. I have never heard any complaints against the system, which I consider works very well.

4. As for percentages to village officers, such a thing is not allowed except in head-quarter towns, and then only in the case of selling tickets to cut timber. There may be more smuggling and illicit felling here than in Coimbatore, but I do not think that there is. The forests are as sharply watched as our limited staff will permit, and breaches of the forest rules are not allowed to pass unnoticed. On the other hand, the ryots are encouraged to complain, if anything which they think unjust is done, and their complaints are carefully inquired into. The principle upon which I go is a liberality to the ryots, and no overlooking any wanton or unauthorized injury to the forests.

5. As the Board may wish to peruse it, I beg to transmit copies of the correspondence which has taken place regarding the rights of the ryots to timber, bamboos, etc.

6. I do not consider that, in remote villages even, ryots should have the unrestricted right of cutting whatever and as much as they wish. The damage done by men, who fell half-a-dozen trees before they get one which suits them, or by idle lads, who try the temper of their bill-hooks by chopping the heads off valuable saplings, would be very great indeed. It would be better, I think, to put every one on the same footing. The hill-man does not require any more than his fellow of the plains, and if told that he will have no more given him, will be quite content.

7. I have consulted Mr. Brougham, who has made inquiries regarding the articles required for each plough. We have ascertained the number of acres of land under cultivation and the number of bullocks; and as two animals go to a plough, we have been able to get some definite data upon which to fix the quantity of timber to be given to each ryot for agricultural purposes.

8. We propose to allow each man, to begin with, a complete set of instruments for each pair of oxen kept by him for the purpose of ploughing. He will not want everything new each year, so we have allowed for renewal of everything at the beginning of every fourth year, and for the

supply of three ploughshares and thirty bundles of bamboo thorns during the second and third years. The Deputy Conservator makes this allowance for 4 acres of nunjah and 5 to 6 of punjah, but I am inclined to reduce it to 3 acres of the former and 4 or 5 of the latter.

9 As regards fuel, the orders already in force allow of ryots taking it for *bona fide* use free of charge.

10. In the matter of material for houses, we have taken 4 unkanums or 24 feet in length as being the size of ordinary houses, and for this we have allowed the necessary material free of cost. We are of opinion that a man who wishes to construct a larger house should be called upon to pay half seigniorage on 2 unkanums above four, and the full rate upon anything above six. In any special case, of course, the rule might be relaxed. Mr. Brougham considers that a free pass for the same articles and for the materials for a thatched house and cow-shed should be granted again once in four years. I think that this is too liberal ; that material should be given free only where necessary ; and that, when a ryot wishes to extend his house, he should be called upon to pay certainly half, if not the whole, of the seigniorage leviable on the material required.

11. Two other points, upon which Mr. Wedderburn does not seem to have touched, appear to me to call for some notice. The one is charcoal burning ; the other grazing.

12. The former of these has been a most fertile subject of complaint in the sub-division, and I have never been able to settle it satisfactorily. It is highly desirable for the security of the forests, which have to be conserved, that the department should have some sort of control over charcoal burning. Very many of the hill fires, which sometimes sweep miles of forest, arise from this cause, and with a view to prevent this, the right of making charcoal was formerly some time leased out. The ryots of the sub-division have for many years past been in the habit of burning charcoal, not for use but for the purpose of giving it to the village smiths in payment for iron-work and repairs. In a certain sense this charcoal burning may be said to concern agricultural operations, but I hardly think it fair to allow this kind of thing to go on. If the ryots want to have their implements mended, they should pay for them in cash or buy the charcoal, which they give to the smith. It is not the value of the article which has anything to do with the subject : that is so small that Government might very easily give it up. The objection which I have to the practice is that the people light fires in the jungle ; that there is not a sufficient establishment to see that they put them out ; that the hot season is the one at which they carry this on ; and that the high winds which sweep over the country just when it is at its direst set large tracts of forest in a blaze and destroy much valuable timber, etc. The evil could be very probably remedied when the reserved forests are marked out and village jungles fixed, but with the wretchedly small establishment that we now have, it will be years before this can be done. At present, I would advocate making ryots take out passes for charcoal, and burning only in such spots as may be fixed upon by the Forest Department.

13. With respect to grazing, I was at first inclined to exclude cattle from all reserves and reserved forests, but upon talking over the matter with the Deputy Conservator, I have modified my views. Our opinion is that except in reserved tracts, where it is desirable to allow the free growth of saplings which cattle would eat down, to permit grazing either free of charge or on payment of some small animal fee, which might be devoted to paying a watcher from each of the villages concerned, whose duty it would be to see that infringments of the conditions upon which the concession was made did not occur. The experiment has been successfully tried in the Railway Fuel Reserves, the conditions being that no fires are to be lighted, and no ryot or cowherd going into the reserve is to carry any knife, axe, or other cutting instrument, and that if any one is found with one, or any trees cut or hacked, the privilege will be withdrawn for a period commensurate with the nature and frequency of the offence. There is no doubt that cattle tend, by eating and trampling down the grass, to prevent fires, and the fact that the right of grazing in reserved ground is dependent upon no injury being done to the trees converts the ryots themselves into assistants in the general work of conservancy.

1321/68

ENCLOSURE No. 1.

From J. F. PRICE, Esq., Acting Sub-Collector, to the Collector of Salem, dated Oossoor, 21st October 1870, No. 561.

IN accordance with the request conveyed in your Docket No. 632, dated 12th July last, I have the honour to report upon Board's Petition, No. 1,415, of 1870, which I return herewith.

2. The complaint made by the petitioners, as you will observe from a perusal of it, is so general in its terms, that it has been necessary to ascertain exactly what their grievances are. This has been done, and I now append them *seriatim* with the result of a careful inquiry held upon the spot by the Deputy Tahsildar of Denkanicottah, and my own remarks.

3. I must premise by the observation that the petition under report is one directed against an extremely useful, though, with the people, very unpopular department, whose work has, as far as my experience goes, been one long struggle against what the ryots are pleased to call "prescriptive rights," a phrase which, as regards forests, means in plain English, the license which they, before conservancy was attempted, exercised in the matter of cutting and destroying as much and whatever timber or bamboos they thought fit.

4. *First Ground of Complaint.*—That the petitioners are not now allowed, as they formerly were, to burn charcoal free of charge.

The ryots, generally, seem to think that they have a right to burn charcoal free of charge, and this impression appears to have arisen from the fact that the restrictions with regard to their doing so were only created when the Forest Department was instituted. Forests have always been the property of Government, and I think that the Crown has a perfect right to levy a tax for the use of what belongs to it, especially where it is not an absolute necessity for the well-being of its tenants.

The Deputy Tahsildar thinks that, as the revenue derived from the tax on charcoal burning, and which was in the past year only Rupees 370, is very small, it would be advisable for Government to give it up altogether. I do not agree with him. The ryots do not use charcoal as fuel, and the consumption of it occurs almost entirely in the towns. They either burn it for sale or else, and chiefly, for the purpose of giving it to blacksmiths in exchange for work done for them. The fact of their not being able to carry on the latter practice is the real cause of the out-cry on this head. I consider it no hardship that the ryots should be expected to honestly pay for the iron-work done for them. The assessment levied on their lands is light enough in all conscience, and I do not see why Government should be called upon to pay, as they wish it to do, for mending their ploughs and tiring their cart-wheels.

Second Ground of Complaint.—That the limitation at present put upon the cutting, by the petitioners, of bamboos and saplings for the purpose of forming stacking frames for their ragi heaps, is highly injurious to their interests and that they should therefore be permitted to take a larger quantity.

According to the practice at present prevailing, the Forest Department allows twenty-five bamboos or saplings per acre for the purpose of forming stack frames, and the supply is made only once in three years. The Deputy Tahsildar states that ryots are not allowed to take an extra supply on payment of seigniorage. The people assert that 140 bamboos per acre are required for the purpose above mentioned. I think this too much. It appears to me that if fifty bamboos per acre were given once in two years, there would be no grumbling; or that if this plan does not meet with approval, the ryots should be allowed to purchase, at a fair price, as much as they want. I must say that I think that the Forest Department is a little too hard in this matter.

Third Ground of Complaint.—That the petitioners are not permitted to cut, for ploughs, "Dindugai" and other hard woods, and that they are only allowed to take "Pungai" (Beech) and other soft woods.

I agree with the Deputy Tahsildar in considering this complaint frivolous. I have noticed not only in this, but also in the other taluqs of the division, that soft woods, particularly the beech, which is easily worked, are almost invariably used for ploughs, and I have never heard any

complaints on the subject. "Dindugai," "Oorigali," "Vengai," and other like woods are valuable, and if they are to be used for ploughs, a great deal of young and expensive timber will annually be destroyed.

In the course of the inquiry made into this complaint, it has come to notice that only three ploughs are allowed to every 5 acres. I think that, considering how plentiful soft woods in this taluq are, the concession of one plough per acre might, without any injury to the interests of Government, be made.

Fourth Ground of Complaint.—That the Forest Department allows only very poor ryots to cut firewood without charge, and that the petitioners should also be allowed to enjoy this privilege.

The allegation made by the petitioners is correct, and it appears that attention has not been paid by the Forest Department to the "Free Pass Rules" issued in 1868 by the late Collector. I am of opinion that preventing the ryots procuring firewood free of charge is a vexatious measure, and that the discontent produced by it is by no means compensated by the revenue derived from the tax levied. Firewood is a necessary, and though I am not prepared to go to the length of advocating that they should be allowed to have as much as three cart-loads per month, still I am of opinion that the people of a jungly part of the country, such as the Denkanicottah Division is, should not be taxed for their fuel. The petitioners' request that they may be allowed to cut their firewood in the months of March and April on the ground that it is the season when cultivation is not going on. I see no objection to this.

Fifth Ground of Complaint.—That the petitioners are not allowed to cut, for building purposes, "Pachadi," "Goravi," and "Naravai" trees, and that permission to do so should be accorded to them.

It appears from a yadast written by the Forest Overseer at Denkanicottah to the Deputy Tahsildar, that the ryots *are* permitted to cut for building purposes the timber mentioned above. The complaint on this head, therefore, is groundless.

Sixth Ground of Complaint.—That the petitioners' applications for "free passes" do not meet with prompt attention; that applicants for them have been frequently kept waiting for a considerable time at the Overseer's office; and that forest peons commit exactions.

The Forest Overseer denies that any delay has occurred in the matter of the grant of passes. I have several times had complaints on this head made, especially at the jummabundi, and I, on one occasion, had the Overseer down at the Cutcherry at the time that I was doing settlement work, and called upon the ryots to come forward and cite instances, but no one could. I dare say that when the Deputy Tahsildar and Overseer are, as is often the case, absent on other duty, there is sometimes a delay; but this is unavoidable, and the ryots know it just as well as I do. I look upon this part of the complaint, not as a real grievance, but as the result of a dislike to the system of "passes," and an attempt to procure its abolition. It is highly probable that the forest peons do take bribes and exact money from the ryots by means of threats of prosecutions for stealing wood. Their position is such that it is very difficult to watch, and almost impossible to detect them. I have done all that lies in my power by telling the ryots at the jummabundi, that if peons receive anything in the way of bribes they are at once to complain to the Sub-Magistrate or to me; and that we will, if the fact is proved, punish the offenders severely. I have told the forest subordinates the same thing, and I know that the European officers of the department, who have served in this district with me, have used every possible means to check dishonesty on the part of their peons. We have done all in our power to help the ryots in this matter. My court and that of the Sub-Magistrate are always open to complaints, and if the petitioners do not choose to avail themselves of the means of redress offered to them, I consider that they alone are to blame, and that they have no just ground for complaint.

(True Copy.)

(Signed) T. PRITCHARD,
Deputy Collector, for Acting Collector.

1371/69

Enclosure No. 2.

From J. F. PRICE, Esq., Acting Sub-Collector, to the Collector of Salem, dated Oossoor, 11th November 1871, No. 690.

I have the honour to reply to your letter, No. 2,982, dated 16th ultimo.

2. I am most strongly opposed to the measure proposed by Mr. Brougham. The ryots are already quite enough "worried" in the matter of passes, and the petty saving which the Forest Department would, in its yearly accounts, show under the head of timber granted free, would by no means balance the extreme discontent which would be caused by the substitution for the present unpopular system of one which, though it may add a little to forest revenue, I should look upon as an unnecessarily harsh and tyrannical exercise of authority.

3. I quite coincide in the opinion expressed by you, that the extent of a ryot's holding, and not the assessment on it, should be made the basis on which allowances made to him on account of agricultural implements and operations should be calculated.

4. But, though I think your scale generally speaking liberal enough, I would suggest that the number of ploughs should be increased. I do not think one per 5 acres sufficient. You will find in my letter, No. 561, dated 21st October 1870, the reasons for this opinion. I may, perhaps, have made rather too large an estimate, but I would certainly not advocate the grant of a less number than three ploughs per 5 acres.

5. In the list contained in your letter under reply, there is no allowance made for bamboos or saplings for stacking, as is the custom all over the sub-division, dry grains until thrashed. You will see in paragraph 4 of my letter quoted above that this question has been gone into and has (*vide* your letter, No. 1,112, dated 24th November 1870) been settled.

6. I believe that the only remedy for the evils to which the Assistant Conservator alludes is to make over all but reserved jungles to the Revenue Department. There are to my knowledge miles and miles of jungle in this division, which are not worth conservancy as they do not contain and never have or would contain twenty trees per square mile worth preserving, and the fuel which exists in them can never be made available for use on railways except at a much greater cost, than if imported coal or coke was used for that purpose. Let the Forest Department take what is really existing or prospective forest, demarcate it and prevent a stick being cut in it, and let us have the rest and manage it independently.

7. Until something of this kind is done, there will be, notwithstanding the most carefully prepared and just rules, grumbling either on the part of forest officers, or of the ryots, or of both.

(True Copy.)

(Signed) J. W. JOHNSTON,
Deputy Collector, for Acting Collector.

Exd. W. H. French.

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From J. R. COCKERELL, Esq., Commissioner of the Nilgiris, to the Secretary to the Board of Revenue, dated Ootacamund, 27th November 1873, No. 115.

With reference to Board's Proceedings, dated 29th May 1873, No. 27-897, calling for reports from Collectors on the best mode of reconciling the rights of ryots and the State in regard to fuel and timber, I have the honour in the first place to state that the scrub on the hills consists chiefly of wild guava and the hill gooseberry and raspberry, such other scrubby jungle as is found in parts having forest trees more or less numerous growing in it. There is no such distinction on the hills between major and minor jungles as, from the Proceedings of the Board, Forest No. 71, 3rd November 1873, No. 2,236, there appear to be in the plains, and the separation of the two is impracticable. Almost all the hill wood consists of sholahs with timber trees in them or of the extensive forests on the slopes. In no part of the hills has the destruction of wood reached a point where the land-surrounding villages has been entirely cleared and turned into cultivated fields, and hill tribes are now prevented from felling wood for cultivation at all. The mapping out of the country therefore into major and minor jungles has not yet become necessary.

2. I append a copy of the Rules under which the hill tribes are now permitted to take wood. The first rule relates to fuel. Under it only dry wood is taken. The hill tribes find sufficient dry and decaying wood for their purposes in the forests, and do not desire to fell living wood. But the consumption of fuel on the hills must be very large. The hill tribes aggregate 20,000, and taking the requirements at the moderate rate, considering the rigour of the climate, of 5lbs. per head, per day, or 1lb. less than is allowed every soldier at Wellington, the yearly consumption must be 36,500,000 lbs., or 36,500 bandy-loads, being the produce of 365 acres, if the wood was all felled wood, per annum.

With regard to the 2nd Rule relating to timber felled for charcoal I should observe that charcoal is only made by the Kotars, who are about 800 in number. This tribe is the Smith tribe on the hills. It manufactures all the iron work required by its own members and by the other tribes, and uses charcoal for the purpose. It is worthy of remark that the Kotars are paid for the implements they produce; in money for the new implements, and in cattle and grain for repairs. The Kotars therefore earn a livelihood by their own labour, combined with the use of State wood free. Probably the Government would not curtail the usages of the Kotars in regard to wood at present, but it is proper the facts should be reported. It is universally believed that the Badagas, the chief consumers as regards iron implements, are rich enough to pay a price for the implements, which should cover the cost of the wood used by the Kotars if the wood was bought, if an innovation was considered expedient; but it does not appear requisite to urge the innovation. A calculation made by one of the Forest Overseers gives the number of trees cut down by the Kotars annually for charcoal at the produce of about 150 acres.

3. As to the 3rd Rule. A tree is sufficient for a Toda hut, as well as for a Badaga dwelling. The Todas take reeds, etc., free for their huts besides.

4. Rule 4 relates to passes for cattle kraals and fences. Three hundred and forty-five trees were felled for this purpose in the past official year.

5. Rule 5 does not indicate a destruction of wood of any importance.

6. I am led to believe that a change of rules, as regards wood on the hills, is not at present called for.

Enclosure No. 1.

NOTICE.

Badagas, Todas, and Kotars may cut fuel for domestic purposes in adjacent Government forests free of charge, but not for sale, except in their own villages.

2. They may also cut wood for charcoal free of charge for domestic use, not for sale.

3. Passes to cut wood for building purposes can be obtained on application at the Commissioner's Office or from the Forest Overseer. A charge of Rupees 2 will be made for a pass to build a single house. The pass will be current for seven days. The trees to be cut under such passes will be pointed out by the Forest Overseer.

4. Passes for wood required for agricultural implements for cattle kraals and fences can be obtained free of charge, but passes for felling must be obtained from the Commissioner's Office.

5. Burial passes for twenty head loads of wood can be obtained free of charge from all head Monigars of villages.

Ootacamund,
10th January 1871.

(Signed) J. W. BREEKS,
Commissioner.

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From H. S. THOMAS, Esq., Collector of South Canara, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Mangalore, 24th September 1873, No. 1,640.

I HAVE the honour to reply to Board's Proceedings, dated 29th May 1873, No. 897.

2. That I could not reply earlier will be seen from the date of the very recently received and enclosed letter and memorandum from the Forest Officer, which I thought should accompany any report of mine, with a view to the forest side of the question b ing fairly represented.

3. The Board's proposals in paragraphs 4 and 5 have both been anticipated in South Canara.

4. The question propounded in paragraph 7 is a large one and overladen with a difficulty at the outset. Though in the same paragraph the Board use both the word "rights" and the word "privileges" as explanatory of the nature of the ryots' enjoyment of fuel, I am disposed, from paragraph 5, to think that *right* is the word on which they desire to lay stress. This, however, is the question which claims first settlement; for, till it is determined, no clear consideration can, I think, be given to the question, and no satisfactory conclusion is likely to be arrived at. The result is rather calculated to be a piece of unsound patchwork.

5. If the absolute right of the ryot be affirmed, then I confess my inability to suggest any reconciliation of the conflicting rights. Enough of Forest Officers, Collectors, Boards, and Governments, have spent years in the vain effort to discover any practical way of avoiding a conflict of such rights, but only with the result that the question is "becoming more and more difficult." The experience of the years that are gone should suffice, I think, to show us that, from such a standpoint, no other result can be anticipated, except that the matter will *continue* to "become more and more difficult." I think it is almost time we recognized the fact that such conflicting rights cannot live in unison beyond a certain stage. A mixed, ill-defined, joint general tenure of this nature can only be wise as long as there is more than enough for all as well as for waste, and, when that amplitude ends, it tends to, and must result eventually in, the ruin of the tenement, to wit, the forests; and, as in England at the present day, there will some day remain no timber or firewood, except in inaccessible localities, private property, or strictly reserved crown lands, and the implements of agriculture will come to be made chiefly of iron, which is found too expensive for the present Indian cultivator. Common property is common spoil all the world over, and we cannot anticipate that the result will be different in India to what it has been everywhere else. The once highly forest-clad Canaan is a notable example. So early as the days of Artaxerxes (Smerdis, B.C. 522), the difficulty had commenced to press in consequence presumedly of the absence of conservancy in B.C. 893, and timber was apparently to be had only from "the keeper of the king's forest." With the Medes and Persians conservancy seems to have passed away, and where now is the forest of Lebanon? The character of the whole country has been changed. With the experience we have before us, surely it is more truly liberal to step in with some sounder system of conservancy than to let the ryot and the country drift along into ever-increasing difficulties, in the vain endeavour to compass what has never been achieved yet.

6. I would not be misunderstood as circuitously arguing illiberality to the cultivator. Honestly I wish his welfare, for he is the backbone of the country. I think only that in the matter of timber and firewood it is not being attained by the present forest policy, which, in my humble opinion, right though it may be for the past, has about it for the future more of the semblance than the true essence of liberality.

7. My idea is, that what are styled the forest *rights* of the ryots are, in truth, their privileges, and no more. They were never formally acquired rights; they were concessions which naturally arose out of the circumstances of the position. With ample forests that were of no manner of use to the ruler, except wherein they helped to build up his tax-paying cultivator, of course, the sovereigns of the land were ever ready to make the ryot free to the use thereof, and, until there arose a necessity for limiting that use, it would have been obvious folly to curtail it. While the forests were ample, there was no rational object in restricting their use,

nor, indeed, were there the means even had it been irrationally desired. There are yet parts of America and Australia in which the ruling power is only too glad to see a clearing. There are still parts of India, too, in which the ryots should be left in undisturbed freedom to cut whatever they want, excepting only a few restricted timbers. The interior thinly-peopled forests of Canara are such places, and there may be others in other districts also. But where evidently impending want stares us in the face, the time has arrived, I think, that a provident Government should check the preivous lax concessions, which, though suited to former times, are no longer so, and should institute an order equally considerate but better calculated to meet the wants of the cultivator.

8. If so much be granted, the question then arises what system should be substituted as best calculated to meet the wants of the cultivator, the general public, the Government, and the future. Of my own district only am I to speak. For that I, five years ago, sketched out a plan by which I conceived the power of self-interest in the cultivator would be enlisted on the side of conservancy. I think I showed that in this well rained on district it was practicable that to the cultivator it was as liberal as could be desired, and that to Government, too, it promised a stable and a good forest revenue. There may be points in that proposal to be modified; but it is of no use giving further attention to the elimination of objections in matters of detail till it is known what is the decision of Government on the principles involved in reference of the Board, for it is mixed up in the vexed kumaki question.

To Board, 5th September 1868, No. 827.
,, 3rd August 1869, ,, 1,015.

Board's Proceedings, 21st March 1871, No. 1,222.

9. Though those proposals may be in no way suited to the drier districts of the other coast, still I venture to suggest that perhaps the Board are more likely to elicit a satisfactory solution if they will allow all Collectors, unhampered by questions of supposed right, to consider, in the abstract, whether they can devise any scheme more truly liberal and beneficial to the cultivator, the non-agriculturist, and the Government, than the present arrangement, which is confessedly growing annually a more and more difficult position.

ENCLOSURE No. 1.

From J. W. CHERRY, Esq., Deputy-Conservator of Forests, South Canara, to the Collector of South Canara, dated Mangalore, 23rd August 1873, No. 402.

I HAVE the honour to inform you that I had written the enclosed in reply to your endorsement, No. 958, dated 24th June 1873, but that I have since thought of and perused so much that debars anything like the proposition from me of any clear and definite action on the subject that my reply must be that I am unable to show how Government and the ryots' rights in State forests can best be reconciled; I, nevertheless, attach what I have written as a memorandum, to show how very important and difficult the question is, and shall feel obliged if, in submitting your report, you will be good enough to forward these papers, so that the Board may have the views of their forest as well as Revenue-officer.

MEMORANDUM.

THE rights of the Forest Department in this district are few, and, such as they are, very ill-defined and troublesome to enforce.

2. Generally, we have the right to departmentally prepare and dispose of timber from Government forests; also a right to collect seigniorage on all but minor forest-products when required by parties *not* ryots, and the right to collect seigniorage only on certain reserved timbers when required by ryots from Government forests and their Kumakis.

3. The distinction in the rules between ryots and others, or between the expressions "for their own use" or "for sale," is practically of little or no use to the department; every man in South Canara, who owns a square yard of land, being entitled to call himself a ryot, and every ryot being able to dispose of his timber as it best pleases him with little fear of any effectual interference from the Forest Department.

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4. The rights and privileges of the ryots are many, and appear to be unlimited.

5. As one interested in forest conservancy, I feel it very difficult to suggest a scheme which, under present circumstances, will reconcile the work of the department with the numerous existing extraneous rights, many of which are antagonistic to true conservancy; and it appears to me that after the complaints, propositions, and wishes of the department have so often been overlooked, it is hard to ask the department now how Government and the people's rights in the forests can best be reconciled.

6. I have no wish to be hard on the poor villagers and agricultural labourers, and, if we could, with certainty, secure the concession of privileges only to them for the supply of their *bona fide wants*, I would make our concessions exceedingly large; but I cannot appreciate the present policy which loses to Government a large revenue, and, while enriching a few influential and undeserving men, leaves the really poor ryot without the least advantage, and more than even a share to those who usurp the liberal privileges which Government generously waive for the sake of relieving oppression.

7. Take minor products for instance. Experience has clearly shown me, and it has been as clearly explained by the department, that Government, in refraining from any attempt to control or benefit by their collection, have merely filled the pockets of a few Chetties and traders.

8. And so with other forest concessions, they bring little or no advantage to those for whom they were intended; hence complaints are constantly arising, and it is generally believed that the Forest Department is at the bottom of the whole mischief.

9. Every exceptional irregularity or chance of irregularity from forest subordinates is brought to notice, and made the most of with a view to encourage this belief, and stand in the way of the projects of the department.

10. That unfortunate department has always been blamed for its supposed oppression to the ryots; but it appears to me it has always been so feeble and of so little acknowledged importance that I cannot imagine its oppressing anybody.

A single Potail has more power for good or evil in a village or tract of forest than the whole subordinate forest establishment in a district put together.

11. I have often, when making forest excursions, conversed on forest-matters with villagers under circumstances in which it was impossible for them to know to whom they were talking, and found that little or very often nothing was known of the existence of a Forest Department and of its rules. The Potails principally and other Revenue subordinates were their only authority on forest-matters, and these matters were sometimes explained to me in rules that were so oppressive as unauthorized.

12. It will, therefore, be seen that any system which is to satisfactorily reconcile the working of the department with the interests of the ryots (I take it that the majority of ryots is meant) must be based on sound general principles, and that anything like a concession to this taluq, privileges to that village, certain timbers restricted in one locality, and free in another, or chargeable to ryots with kumaki, and free to those without, must so complicate matters and require such rules and distinctions that nothing will have been gained for the poor ryot but the same uncertainty and confusion that makes him the pitiable individual he now is.

13. If no distinction can be secured between deserving and undeserving, between the poor ryot "barely permitted by the Forest Department to collect a few sticks to cook his frugal meal" and the wealthy landed proprietor, townsman, or trader, who defies the Forest Department to prove that he is not a ryot, or that he did not take the valuable logs he is carting away from *other* than Government forests, and if very liberal rules for the purpose of serving the first are taken advantage of by the second, then conservancy must suffer.

14. It appears to me strongly advisable to draft one set of rules applicable to all alike, and so arranged that the department will always have the power to check any abuse or hindrance of the objects in view.

15. In any case, the principles should be as follows:—

(1.)—That from Government land no forest-produce can be collected or removed without the approval and subject to the seigniorage and license of the Forest Department, except when required for local domestic consumption.

(2.)—That, from time to time, Government may reserve kinds of produce, which kinds can then, under no circumstances, be collected or removed without the approval and subject to the seigniorage and license of the Forest Department.

16. I do not see the necessity of strictly reserving any forest, certainly not at present in this district.

17. As the forests will be sufficiently protected by the reserved list and the rule which prohibits the use of forest-produce for other than local consumption, it is only in extreme cases that a forest need be strictly reserved, and when this is necessary any communities or villagers residing therein should have a portion allotted to them under the rules for partial reserves.

18. In this district it has hitherto been understood that our great, straggling, undefined ghaut forests are "Reserves," and all else "Unreserved."

19. This is a mistake. The use of forest-produce on about the out-of-the-way extensive ghauts should be in every way encouraged to make up for what ought to be a very strict reservation of forest land on or near the seaboard, where forest-produce is yearly becoming scarce, and, from its position, is several times more valuable than its kind farther away from means of carriage.

20. Forests should be reserved in the same way that timber or any forest-produce that becomes valuable or scarce is placed in the reserve list. Our forests near seaboard are the ones that are scarce and valuable, and consequently require immediate husbanding, while every effort should be made by giving out contracts and extensive departmental working to draw forest-produce, whence much of it is rotting in the extensive ghaut forests, and offer it for sale, far and wide, throughout the district, wherever a scarcity has made our reserved list an extensive one.

This will, I own, be extremely difficult, and cannot be done, except under severe measures. It, nevertheless, should be the object to which efforts tend, and, to my mind, is the only course open if forest conservancy is to do any good for the Government and country.

21. The present practice of giving up the most civilized, and consequently the most favoured spots, and confining the work of the department to a few, although inaccessible, tracts and scattered plantations, must have one of two results; either the development of forest enterprize among private individuals in the more favoured tracts will so handicup the operations of the Forest Department as to render competition out of the question, or will in time tend to deforest all but the few spots under Government conservancy, either of which results cannot surely be intended. The first result is already felt in the fact that timber from Yeniamiady forests in Malabar of easier access and provided with better ways of water-carriage than that of the South Canara ghaut forests is able to compete with, and considerably reduce the sale of South Canara timber in Mangalore.

22. To enable us to successfully put into practice the principles in the above two rules, it would be necessary to have established the following:—

(1.)—That all land to which proprietary right is not satisfactorily shown is Government land, and that forest-produce therein is subject to the above rules.

(2.)—That all forest-produce being removed is liable to be challenged and seized, and, unless supported by a license or passport (from the proprietor if of private, and the Forest Department if of Government land), or its removal otherwise satisfactorily explained before a Magistrate, should be confiscated.

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(3.)—That the *onus* of proving the right to forest-produce seized on suspicion should rest with the suspected party.

23. The second requisition is one that will require legal enactment, and I am aware has not the support of the Government; but the only alternative is that of an enormous preventive establishment scattered about throughout the country, and, as the salaries of this establishment will necessarily be on a low scale, this course would open the way to much corruption and oppression.

24. An Act might give the power to seize, on suspicion only, to officials of a superior status, from Forest Overseers and Deputy-Tahsildars upwards, leaving subordinates no more power than that of merely reporting suspicious conveyance of forest-produce.

The chances of superior officer meeting and challenging forest-produce under carriage would be small, but, nevertheless, sufficient, I think, to deter its conveyance without a passport.

25. In leaving it to proprietors to grant passports, I am aware much smuggling may be done under false ones, and it is, therefore, worth considering whether the issue of the passport from triplicate books could not be entrusted to the Potails who would be held responsible for the genuineness of the conveyance, and would address their passports to the Potail of the village to which the produce was destined, and would secure the return of the passport duly signed by the receiving Potail. Duplicates of the Potail's passport should be sent to the Forest Department. This undertaking would appear to be arduous, but the carriage of private forest-produce in this district will, I think, be the exception.

26. Passports for the removal of produce from Government land should be issued only by the Forest Department.

27. Any system of passes will not only be futile, but an encouragement to smuggling, unless the return of the passport (after it has served its purpose) is secured. I do not at present see how this canbe done.

28. In connection with my first requisition, there is a very important point which must be considered with the present subject—kumaki rights!

29. I made some remarks about kumaki privileges in my Administration Report for 1870-71.

30. These much-abused privileges are a source of obstruction to the work and welfare of the Forest Department and annoyance to the parties to whom they are conceded, inasmuch as they deprive the first of any appreciable control over what might be the most valuable and easily worked part of the district (viz., the tract of land from the seaboard to within a few miles of the ghauts, which is so intersected by kumakis and their rights as to be at present wholly unmanageable) and leads the second into many temptations and disputes which might otherwise be avoided.

31. The present question at issue in connection with them appears to be, are they or are they not merely concessions from Government reclaimable at any time?

32. I, of course, am not in a position to deal with this, nor with the question whether present kumaki holders have not so strong a prescriptive right in the land as to make it advisable for Government to relinquish *all* claims, and will merely suggest and recommend that, if kumaki privileges are continued, the terms of concession may be modified and more clearly defined.

33. The assistance intended by kumaki, viz., to afford the struggling agriculturalist a free supply of near and plenteous building-material, fuel for his fire-places, and leaf-manure for his fields, is a very desirable and beneficial one, and I should be sorry at any time to see this assistance discontinued; but the rules for its application must be more restricting than heretofore, and better adapted to the greatly enhanced and still increasing value of forest-produce.

34. The simple and general rule of forest-produce free on 100 yards of land all round any and every piece of cultivation is too rude for the present civilization of the district and, if continued, will some day be much regretted: as it is, Government appear to doubt their right to reclaim all kumakis, and stand to lose the control over a large source of forest-produce, as well as the most valuable forest land in the district; for next in value to the hollows comes the sides of the hollows, and, if both are given up, Government will have nothing to offer to the Forest Department for planting or conservancy, but the bare tops of innumerable hills scattered all over the district.

35. Every encouragement should be thrown out for the extension of serial cultivation, but, under present circumstances, when paddy fields in a forest means also the resignation of forest land all round, the Forest Department are shy of permitting agriculturalists to settle in the tracts under their management.

36. The modifications I would propose are the abolition of all kumaki land as a *right*, and the granting of kumaki land on an annual rent only when applied for and approved, and on the understanding that it is demarcated.

37. I cannot see why if a person desires to secure particular privileges to his own sole enjoyment, he should not pay for them.

The power of Government to cancel the lease, and their claim to all reserved produce on the land must be provided for; otherwise Government will be in the same difficulty they are now in with regard to kumaki holdings, and will find themselves powerless to benefit by, or use the reserved produce.

38. Kumaki should be leased under the same rules as for the rest of the forests, and the lease should give the tenant no more privilege than that of having the exclusive use of unreserved produce.

39. The privilege need not be confined to ryots, but may be extended to any one, and on a large scale to villages and towns.

40. As a rule, kumakis should be granted immediately surrounding cultivation, and the rule of 100 yards all round, unless there is any adverse reason, is a very good one, and should be invariably followed.

41. The present hard and fast rule of 100 yards all round is at the least unfair, and sometimes gives a narrow or long field double that of a more compact piece of same area.

42. In no case should land within 100 yards of one man's cultivation be given to another as kumaki.

43. When only 100 yards of land intervenes (as it often does) between the fields of two parties, a half should be given to each, or otherwise divided as the case may be.

44. The only part (apparently to me that seems severe) in what I have advised for kumaki, is that of withholding the right of a kumaki tenant to the exclusive use of *reserved* as well as unreserved produce on his land.

45. I have felt bound to this in the interest of Government; for a time may come when Government may stand in urgent demand of easily accessible timber, such as may have been protected by kumaki rules, or when the conservancy of kumakis may have secured an abundance of valuable forest-produce which could not possibly, as otherwise required by the proposed rules, be consumed by the tenant alone.

46. Even now Government are often put to great expense by the necessary carriage across country of timber for sundry public works in parts of the district where perhaps the plenteous but only timber within several miles is denied to Government by the right of kumaki, and further there is often great wailing among deserving ryots, who are unfortunate enough to have no kumaki or jungles near, and who are debarred from getting timber given them from other holdings.

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47. It would certainly be very hard for a man to be deprived of the best timber on his kumaki land, because it happened to be reserved, and was wanted, but any outside claim to it would seldom be enforced.

48. The Forest Department should be permitted the exercise of some judgment in this and other cases, and not deprived (as has been the past tendency) of all authority in the general conservancy of the district, and driven back to the one exceedingly difficult and unsatisfactory task of dragging heavy logs from remote, out-of-the-way tracts of land to market.

49. In order, however, to enable them who think it worthwhile to secure to themselves the sole use of *reserved* as well as unreserved produce in kumaki land, I would grant the additional privilege at an increased assessment.

50. In any case, I do not think there would be very much kumaki land taken up; of course, every ryot in civilized and generally deforested tracts would secure his groves and jungle round his fields, but in less populated and more forest-clad parts there would be no necessity for it, as the plentiful supply all about would render it superfluous.

This result is just what is wanted,—encouragement in the use of produce from the extensive lands of jungle and conservancy in the less favoured parts.

51. There are questions in connection with these subjects, such as, what the kumaki land tenure should be; what the rates of assessment; whether kumaki revenue should be credited to forests or land; what at present are to be the reserved produce; at what rates; and how the seigniorage can best be collected, etc.

52. To the first it is not for me to venture a reply. The answer to the last must depend much upon how the subject of this report is treated.

Any rules which will secure the consumption of free produce *only* in domestic and agricultural uses, or enable us to challenge produce under carriage, will so aid conservancy that it will only be necessary to reserve that description of produce that is rare and valuable and not essential to the domestic or agricultural wants of the ryots.

In any case, I would, as far as timber is concerned, in place of the present system of collecting seigniorage on the *contents*, substitute one of collection by *stump fees*.

This would be a great boon to the ryot in many ways, save a waste of timber, greatly induce to the preservation of young trees, and simplify the check of the department.

This has been already suggested in my letter,* dated 24th June 1872, written when on special duty.

(Signed) J. W. CHERRY,
Deputy Conservator.

* N. B.—The proposal was approved; but as the scheme probably required revision, Mr. Cherry has been requested to re-consider it, and submit any amendments he desires when the subject will be laid before the Board. This is mentioned that it may not appear that the proposal has been shelved. On the contrary, it has recommendations which I desire to lay before the Board when in possession of a matured plan.

(Signed) H. S. THOMAS,
Collector.

MANGALORE,
16th August 1873.

(True Copies.)

(Signed) H. S. THOMAS,
Collector.

Exd. F. R. Bantleman.

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FOREST No. 38.

Proceedings of the Board of Revenue, dated 28th July 1873, No. 1,415.

Read the following letter from Major R. H. BEDDOME, Inspector of Forests, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Coimbatore, 20th June 1873, No. 1,807:—

With reference to the Proceedings of the Board, No. 897, of the 29th ultimo, I have the honour to inform you that I quite approve of the Coimbatore Collector's proposals to do away with *free passes* in villages situated quite within the jungles: these passes are only required where timber leaves the limits of a jungle. I consider, also, that Collectors should be allowed to use their discretion as to where *passes* are or are not necessary, and issue orders accordingly to their forest officers; as in many districts, particularly those traversed by railways, there are certain traits in a state of transition from uninhabited jungle to open cultivation, and in such places passes may become necessary at no distant date, though they may not be required at present.

2. I am much in favour of the use of the *contract-system* for the collection of revenue on minor forest-products, such as firewood, bamboos, and charcoal: it releases our establishments from much work of a petty nature, and enables our officers to employ them more usefully in the regular forests and on timber-operations. It would be almost impossible to prevent forest peons, on very small salaries, from taking bribes, or resorting to extortion in some way or other; and I think it better to remove the temptation; but it is not difficult to stop this extortion on the part of contractors, if those contractors' rights are clearly laid down and understood in the district, and if the Collector or forest officer, or both, exercise a certain supervision. In one case, the Collector or forest officer has only to look after one or two contractors who would be liable to lose their contracts upon extortion being brought home to them, this loss of contract being a very serious matter; in the other case, fifteen or twenty or more peons have to be looked after, and most of these men to whom the loss of appointment is a question of very little moment. Under any system, ignorant villagers will occasionally submit to illegal imposts; but they are far more likely to submit to these from belted peons than from contractors, and the chances of detection are much greater under the latter system.

3. I have seen a great deal of both systems in different districts, and I consider that the contract one only requires ordinary care and supervision, and the *occasional confiscation of a contract* to make it work well and fairly. It is far the simplest of the two, and soon understood by the people; the longer it is in force the better it works, and the revenue has always been larger and steadier under it. The other system can, I am sure, never be made to work well with the class of men we have as peons, and even if a sharp forest officer gets it into tolerable working order by a careful selection of his peons and by constant supervision, a change or two in the peons (almost an every-day event), or a change in the officer, would throw everything back; and I do not see how Collectors could exercise much control over such a system.

Ordered to lie over until the replies of Collectors to Board's Proceedings, dated 29th May 1873, No. 897, are received.

(A true Copy and Extract.)
(Signed) J. GROSE,
Secretary.

To the Inspector of Forests.
Copy to the Collector of Coimbatore.

Exd. F. R. Bantleman.

1873.

Board of Revenue,

MADRAS.

PROCEEDINGS, 28TH JULY 1873, No. 1,415.

Encl.

Received

JULY.

Forest No. 38.

Forest-products—in Coimbatore District.—Letter from Inspector of Forests recommending contract-system for collection of revenue on minor forest-products, such as firewood, bamboo, and charcoal, and concurring in Collector's proposal to prohibit levy of seigniorage in villages entirely surrounded by jungles, ordered to lie over.

A BILL TO PROVIDE FOR THE MANAGEMENT AND PRESERVATION OF FORESTS.

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A Bill to provide for the management and preservation of Forests.

WHEREAS it is expedient to provide for the better management and preservation of Forests and lands wherein rights are vested in Her Majesty's Secretary of State for the purposes of the Government of India, as well as for other matters; It is enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act shall come into operation on the first day of 1870, and may be cited as the "Forest Act, 1870." Commencement and short title of the Act.

2. Act No. VII. of 1865 (to give effect to Rules for the management and preservation of Government Forests) is hereby repealed. Act VII. of 1865, repealed.

3. This Act shall extend to the whole of British India, except the territories under the Governments of the Governors of Madras and Bombay in Council; and it shall be lawful for these Governors in Council respectively, by notification in the official Gazette, to extend this Act to the territories under their respective Governments. Extent of Act.

4. All Forest Rules made under the Act No. VII. of 1865, or otherwise legalized, shall have the force of law, and continue in force until the Government of India shall otherwise order. Continuation of Rules made under Act VII. of 1865.

The Local Government may from time to time, with the sanction of the Government of India, and consistently with this Act, alter or add to such Rules.

5. In any Presidency, Province or place in which this Act shall take effect, the Local Government may, in case such shall appear expedient, cause all such sections of the Act, applicable to such Presidency, Province or place as may enjoin or prohibit any act or omission, or impose any penalty, to be collected and published, together with any Rules that may be made or legalized under this Act, in order that such collec- Code of Forest Regulations may be prepared.

tion of rules and provisions may form a code of Forest Regulations applicable to such Presidency, Province or place.

Such code of Forest Regulations shall be translated into such vernaculars of such Presidency or Province as the Local Government thereof may from time to time direct.

Interpretation clause.

6. In this Act, unless there be something repugnant in the subject or context,—

Forest shall mean any tract of country covered with trees, brushwood or grass, and shall include such waste or cultivated lands, roads, streams and other waters as may be situated within such tract;

The word *cattle* shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats, and swine;

Forest right shall mean the right of ownership in trees, timber, bamboos, brushwood, grass, or other produce of a Forest; the right to prohibit the cutting, burning or using of trees, timber, bamboos, brushwood, grass or other produce of a Forest; the right to prohibit the pasture of cattle in a Forest; the right to cut, use or remove any timber, trees, bamboos, branches, leaves, brushwood, grass or other produce of a Forest, and the right of pasturing cattle in a Forest.

Government Timber Depôt shall mean any place which the Local Government shall from time to time appoint for the storing of wood and timber, being the property of Government, or for the collection of any drift or unmarked wood and timber.

PART II.

Of the classification of Forests and of Forest Officers.

Forests to which this Act applies.

7. Except when otherwise expressly provided, this Act shall apply to the following classes of Forests only, that is to say:

First, Forests, the property of Government in which the proprietary right of Government is absolute.

Second, Forests, the property of Government in which the proprietary right is limited by the existence of other Forest rights;

Third, Forests which are the property of village or other communities, public institutions, religious establishments, private individuals, or other persons, in which Government has Forest rights.

Forest Officers.

8. The control, inspection, management, and protection of any forest to which this Act applies, or the control and management of any matters to which this Act relates, shall be vested in officers to be called Forest Officers. The Local Government may invest any person with all or any of the powers which may be exercised by a Forest Officer under this Act.

Conservator of Forests.

9. The Chief Forest Officer in any Presidency, Province or place, or part of a Presidency, Province or place in which this Act shall take effect, shall be styled "Conservator of Forests." The powers of the Conservator of Forests under this Act may be exercised by such Forest-or other Officer as the Local Government may from time to time authorize in that behalf.

Forest Officers not to engage in other employment.

10. No Forest Officer shall engage or be concerned in trading with timber, wood or other forest-produce, nor shall he have any interest, direct or indirect, in any lease of any Forest, or any contract for working any Forest, whether in British or Foreign territory in India; nor shall he engage in any employment or office other than his duties under this Act, unless expressly permitted to do so in writing by the Local Government.

PART III.

Of the demarcation of Forests.

State Forests.

11. The Local Government may from time to time notify the boundaries of any Forest of the first and second classes described in Section 7, and may declare the same to be a State Forest. If in the judgment of the Local Government such Forest is not sufficiently demarcated by roads, streams, or other existing boundaries or land-marks, the Local Government shall from time to time cause the same to be marked out by metes and

bounds, and the boundaries so fixed shall be notified in such manner as the Local Government may direct.

Communal Forests.

12. The Local Government may from time to time notify the boundaries of any Forest of the first, second or third classes specified in Section 7, and may assign all or any of the produce of such Forest for the use of village or other communities, or for any other purpose. If in the judgment of the Local Government such Forest is not sufficiently demarcated by roads, streams, or other existing boundaries or land-marks, the Local Government shall from time to time cause the same to be marked out by metes and bounds, and the boundaries so fixed shall be notified in such manner as the Local Government may direct.

Demarcated Forests.

13. Forests, the boundaries of which have been notified under Section 12 or 13, may be called "Demarcated Forests."

Boundary disputes to be referred to Conservator of Forests.

14. In the event of any difference or dispute arising as to the boundary line of any demarcated Forest, such difference or dispute shall be referred to the Conservator of Forests, who shall endeavour to adjust the same by agreement with the parties interested.

When to be referred to a Commission.

15. If the matter in dispute cannot be arranged by mutual agreement, it shall be referred by the Conservator of Forests to the decision of a Commission, to be appointed as hereinafter provided.

Conservator to appoint date for marking out the boundary.

16. When the boundary line shall have been determined either by agreement or by decision of a Commission as aforesaid, the Conservator of Forests shall fix a day for marking out the boundary accordingly, of which public notice shall be duly given.

Record of the boundary.

17. On the day appointed the boundary shall be marked out by two or more Forest Officers specially appointed by the Conservator of Forests in that behalf, and a record of the proceedings, together with a map showing the boundary lines determined as aforesaid, shall be prepared. When the boundary line has been determined by a Commission as aforesaid, the decision in writing of such Commission shall form part of the record. Such record and map, after being attested by the official signature of the Forest Officers appointed as aforesaid, shall be deposited in the Office of the Conservator of Forests. An attested copy of the record and map shall also be deposited in the Office of the Collector or other chief Revenue officer of the district or districts in which the Forest or part thereof is situated, such map, record, and attested copy of the same shall be conclusive evidence of the position of the boundary line determined as aforesaid.

PART IV.

Of Forest rights in demacrated Forests.

Fresh Forest rights not to accrue.

18. From and after the date on which the boundaries of any demarcated Forest shall have been notified, no fresh Forests rights whatsoever shall accrue or be acquired in such Forest.

Forest rights how to be claimed.

19. When the boundaries of any Forest have been notified under Sections 12 and 13, a notification, shall be published in all villages and hamlets situated within five miles of the boundaries of such Forest, requiring all persons who claim to have Forest rights within the limits of such Forest, to come forward and submit their claims as hereinafter provided.

All persons claiming to have Forest rights within the limits of a demacrated Forest shall submit their claim to such Forest or other Officer as the Local Government may from time to time appoint in that behalf. Such claims may be submitted by the headman or other inhabitant of the village or hamlet on behalf of himself and of all other inhabitants claiming Forest rights in the said Forest. All claims received by the Officer appointed on that behalf shall be forwarded to the Conservator of Forests.

20. No such claim shall be admitted unless it is preferred within a period of three years from the date on which the boundaries of the Forest were notified, and unless the person preferring the same shall have been in the habitual exercise of the right claimed at the time when the boundaries of the Forest were notified.

Claims to Forest rights, when not to be admitted.

21. On receipt of any statement of claim, the Conservator of Forests may allow the same as it stands, or, if he see reason for objecting thereto, shall endeavour to adjust the matter by agreement with the parties interested. If the claim be not allowed by the Conservator, nor adjusted by agreement as aforesaid, the Conservator shall refer the same for decision by a Commission to be appointed as hereinafter provided.

Claims how to be dealt with by Conservator of Forests.

22. So soon as the claim shall have been allowed by the Conservator of Forests, or adjusted by agreement of the parties, or decided by a Commission, a record of the persons entitled to such Forest rights, and of the nature and extent of the rights so determined, shall be reduced to writing and signed by the Conservator of Forests, or in case of the decision by a Commission, by the members of such Commission.

Record of Forest rights admitted.

Such record shall be conclusive evidence of the nature and extent of the Forest rights admitted. It shall be deposited in the Office of the Conservator of Forests, and an attested copy of the same shall be deposited in the Office of the Collector or other chief Revenue officer of the district or districts in which the Forest, or any part of it, is situated.

23. In any demarcated Forest the Conservator of Forests may, with the previous sanction of the Local Government, determine what roads and pathways shall be authorized for public traffic, and may cause all other roads and pathways to be closed either permanently or for a time only.

Roads in demarcated Forests.

Public notice of the closing of any existing road or pathway shall be duly given.

24. It shall be lawful for the Conservator of Forests, with the sanction of the Local Government, from time to time, to close such portions of any demarcated Forest as may be deemed necessary for the protection and improvement of the said Forest.

Portions of demarcated Forests may be closed.

Public notice of the situation of the portions closed shall be duly given, and temporary marks shall be put up and maintained to indicate the boundaries of the portion so closed.

25. During such time as any portion of a Forest shall be closed, no person having Forest rights shall exercise the same within such portion, and no person shall cut or collect any timber, wood, grass or other Forest-produce, or take or pasture any cattle therein.

Forests rights not to be exercised in any closed portion of a demarcated Forest.

26. Except with the permission in writing of the Conservator of Forests, no Forest rights in any demarcated Forest, whether vested in communities or other persons, shall be alienated by sale, lease, mortgage or other contract; and no Forest-produce obtained by the exercise of such Forest rights shall be sold or transferred to any person not entitled to the exercise of such Forest rights. Nothing in this section shall be held to prevent a sale, lease, or other alienation temporary or permanent, made by authority of any Court of Justice or pursuant to any provision of the law, nor any sale of Forest produce made on behalf of Government.

Forest rights and produce obtained by the exercise of Forest rights, not to be alienated.

27. No person shall be entitled to compensation on account of anything done, or prohibited to be done, in pursuance of Sections 24, 25, 26, and 27.

Compensation not to be claimed.

PART V.

Of the regulation, commutation, and extinction of Forest rights in demarcated Forests.

28. In any demarcated Forest, the Local Government may when such may appear necessary, order the regulation,

Regulation, commutation, and extinction of Forest rights,

commutation or extinction of any or all Forest rights: Provided that in all cases where any existing Forests rights of communities or other persons are affected or abridged by such orders, fair and equitable compensation shall be given to such communities or other persons. Such compensation shall consist either in the grant of land or of Forest rights in other Forests or lands, or in the payment of a sum of money, or in the abandonment of the rights of Government in any Forest or other lands, or in the remission or reduction of any taxes or of any other Government demand, or in any of these conjointly. The nature and amount of such compensation shall be determined in the manner hereinafter provided.

Proviso.

29. Whenever the regulation of any Forest rights shall be ordered under the last preceding section, such regulation shall consist in determining the following matters according to the nature of the right to be regulated:—

Matters to be determined when Forest rights are regulated.

The quantity and description of timber or wood to be delivered to those entitled thereto annually or at stated seasons;

The time and place at which requisitions for such timber or wood shall be made, and the time, place and mode of delivering the same;

The extent and situation of the portions of Forest which shall be assigned annually for the lopping of branches, the cutting of grass, and the collecting of other Forest-produce, to those entitled to such rights;

The extent and situation of the portions of Forest which shall be assigned every season to those entitled thereto for the pasturing of cattle, and the number of heads of cattle which may be sent into the Forest;

The date on which the season for pasturing cattle shall commence and close.

30. Whenever the Local Government may consider it necessary that any or all Forest rights exercised in a demarcated Forest shall be regulated, commuted or extinguished,

Proposals to be made by Conservator.

the Conservator of Forests shall be directed to prepare a statement of the existing Forest rights, and to frame proposals for regulating, commuting or extinguishing the same, and for the compensation to be granted to any person entitled thereto.

31. The statement and proposals of the Conservator shall be submitted to the Local Government, and if approved shall be communicated to all parties interested. If the said parties shall consent thereto, or otherwise if any objection made thereto be adjusted by mutual agreement, such agreement being approved by the Local Government, a record of the terms of such consent or agreement shall be reduced to writing, and be attested by the official signature of the Conservator of Forests. Such record shall be conclusive evidence of the terms of such agreement or consent. It shall be deposited in the Office of the Conservator of Forests, and an attested copy of the same shall be deposited in the Office of the Collector or other chief Revenue officer of the district or districts in which the Forest, or any part of it, is situated.

Proposals to be communicated to persons interested.

32. If the proposals of the Conservator are not agreed to, or the objections thereto cannot be adjusted by mutual agreement, the Conservator shall refer the matter to the decision of a Commission, to be appointed as hereinafter provided.

Proposals to be referred to a Commission.

The decision of the Commission shall be recorded, and the record deposited in the Office of the Conservator of Forests in manner as provided in the last preceding section, and shall be conclusive evidence of the terms and conditions under which the rights to be regulated may be exercised, and of the compensation granted in respect of such regulation: Provided always that if in any case the decision of the Commission shall award such amount of compensation that the Conservator of Forests shall deem it better to leave such Forest rights unregulated, uncommuted or unextinguished than to give such compensation, it shall be lawful for him, with the sanction of

Proviso.

the Local Government, to decline to give the compensation awarded as aforesaid, and in such case the person entitled to such Forest rights shall continue to enjoy the same rights without such regulation or abridgment.

PART VI.

Of Commissions appointed for the settlement of Forest rights.

Functions of the Commission.

33. The Local Government may from time to time appoint three persons to form a Commission, and may determine the limits within which the Commission shall have local jurisdiction. If after the appointment of the Commissioners aforesaid, any one or more members thereof shall become incapacitated by sickness or other cause, the Local Government shall appoint some other person or persons to supply the place of the member or members so incapacitated. The Commission shall have power, subject to the confirmation hereinafter provided, to decide and determine the following matters, that is to say,—

First, disputes regarding the boundary lines of demarcated Forests;

Second, the existence, nature, and extent of Forest rights in demarcated Forests;

Third, the manner in which the exercise of existing Forest rights shall be regulated, commuted or extinguished, and the nature and amount of compensation to be granted for the same;

Fourth, the determination of the nature and amount of compensation to be granted to the owners of any Forest of the third class, described in Section 7, which may be taken possession of on behalf of Government in the manner hereinafter prescribed.

Whenever a Commission shall be appointed as aforesaid, the jurisdiction of the ordinary Civil Courts and Revenue authorities shall cease in respect of all matters provided for in this section within the limits fixed for the jurisdiction of such Commission.

Procedure of Commission.

34. The decision of all matters referred to the Commission thus appointed shall rest with the majority of such Commission. All decisions shall be communicated to the parties interested. The Commission shall have power to compel the attendance of any witness or other person whom they may require to examine, and to cause the production of any document. The provisions of the Code of Civil Procedure shall be applicable to the summoning of witnesses or parties, the production of documents, and the record of evidence by the Commission; and generally the procedure of the Commission shall, as far as possible, be governed by the provisions of the Code of Civil Procedure.

Procedure in case a Commission is not appointed.

35. If in any case it shall not be deemed necessary by the Local Government to appoint a Commission as aforesaid, then the principal Court of original Civil Jurisdiction of the district in which the Forest or part thereof is situated, shall exercise the powers of the said Commission in respect of all matters cognizable thereby, and shall exercise such powers subject to such confirmation as is hereinafter provided in respect of the decision of the Commission.

Note.—This Section will require some modification as in reality there is an appeal to the confirming Officer.

Decisions of Commission, by whom to be confirmed.

36. No appeal shall lie from any decision or order of the Commission, or of the Court acting in place of such Commission under section 36, but all orders and decisions touching any of the matters described in the third and fourth clauses of section 34 shall require the confirmation of such officer as the Local Government may from time to time appoint in that behalf.

Orders of Commission to be final.

37. All decisions and orders of such Commission or Court acting in place of such Commission when confirmed as hereinbefore prescribed, and all orders of the confirming officer modifying or reversing the order or decision of the Commission or Court, shall be final, and have the force of law.

PART VII.

Of Forest Rules to be made under this Act.

38. The Local Government may from time to time, with the sanction of the Government of India, make Rules consistent with this Act in respect of any Forests of the first, second, or third classes specified in Section 7, and may from time to time, with such sanction as aforesaid, alter, cancel, and add to such Rules. Different Rules may be made according as the boundaries of the Forest to which the Rules are intended to apply, have been notified, under Sections 12 and 13, or have not been thus notified, and according as such Forest is of one or other of the classes described in Section 7.

Local Governments may make Rules in respects of Forests.

These Rules may provide for the following matters:—

First, the mode of procedure in demarcating Forests, the erection and maintenance of boundary marks, the clearing and maintenance of boundary lines, the alienation by sale, mortgage, or lease of Forests;

Second, the protection of Forests by prohibiting the marking, girdling, felling, and lopping of all growing trees, shrubs and plants, or of certain kinds only, and of all kinds of injury thereto, by prohibiting the carrying or kindling of fire within the Forests; by prohibiting the collecting and removing of leaves, fruits, grass, resin, wax, honey, elephants' tusks, horns, skins and hides, stones, lime or any other produce of such Forests; by prohibiting the carrying of axes, saws or other implements for cutting wood or timber, except on authorized roads within the limits of the Forests; by prohibiting the ingress into and the passage through such Forests, except on authorized roads and paths; by prohibiting cultivation and the burning of lime and charcoal, and the pasture of cattle within, or the passage of cattle through, such Forests;

Third, the management and working of the Forests, by determining the rules and conditions under which timber, wood, trees, shrubs, bamboos, and other produce of Forests shall be cut, removed and sold, or the pasture of cattle shall be leased; by giving authority to the Conservator of Forests from time to time to appoint Forest Officers for the purpose of selling timber, wood or other produce of such Forests, or of leasing the right of cutting, collecting or removing timber, wood, or other Forest-produce, or of pasturing cattle in the Forests; by fixing the dues to be paid for the pasture of cattle or the collection or use of any produce of such Forests; by giving authority to the Conservator of Forests, from time to time to appoint Forest Officers to receive monies and dues for the sale of timber, wood or other Forest-produce, or for the lease of pasture, or for the use of any produce of such Forests;

Fourth, the protection of fish and game within the Forests, by prohibiting the capture and destruction of fish during certain seasons of the year; by prohibiting the use for fishing of certain descriptions of nets, baskets or other implements; by regulating or prohibiting the construction and use of weirs, dams and other appliances for the capture of fish; and by prohibiting or restricting the use of drugs or other substances for the purpose of killing or intoxicating fish in rivers, streams, ponds

and tanks; by prohibiting the taking of eggs of certain kinds of birds; by prohibiting the hunting, shooting, capture or destruction of certain kinds of game during certain seasons of the year; by regulating or prohibiting the capture or destruction of elephants or other animals at all times of the year.

Forest rights not affected by the Rules.

39. No Rule made under Section 38 shall be held to affect or abridge any existing Forest rights of individuals or communities, otherwise than provided for by Sections 19 to 33, both inclusive, and all such Forest rights may, subject to the provisions aforesaid, be exercised, notwithstanding any Rules that may be framed under the Section 39 aforesaid.

Rules when to have the force of law.

40. Rules made under Section 39 when confirmed by the Government of India, and published in the official Gazette, shall have the force of law.

PART VIII.

Of Government control over Lands and Forests, the property of communities or other persons.

Protection of Forests for special purposes.

41. When such may appear necessary, the Local Government may, with the sanction of the Government of India, by notification in the official Gazette, prohibit the clearing, felling or burning of the trees, bamboos, brushwood or grass in any Forest, or part of a Forest, when the maintenance of such Forest appears necessary for the following reasons:—

First, for the preservation of the soil on the tops, ridges, slopes, and in the valleys of mountain ranges, and for protection against landslips and avalanches;

Second, for the protection of the banks of mountain-streams, rivers and other waters;

Third, for the maintenance of a water-supply in springs and streams;

Fourth, for the protection of any land against shifting and moving sands;

Fifth, for the protection of roads, bridges, railways and other lines of communication;

Sixth, for the better preservation of the public health in the vicinity of such Forest.

This section shall be applicable to all Forests as enumerated in Sections 7 and 8. And the prohibition provided for in this section shall be enforced, notwithstanding any Forest rights or other privileges to the contrary.

Such Forests when to be demarcated.

42. Whenever the clearing, felling or burning of any Forest or part of a Forest under Section 42 is prohibited, and whenever the nature and extent of such Forest shall in the judgment of the Local Government render such a course necessary, it shall be lawful for the said Local Government, with sanction as aforesaid, to demarcate such Forest or part of the Forest, and declare the same to be subject to all or any provisions of this Act, and to all or any of the Rules made under the same.

If in such a case the Local Government shall deem it necessary for the better protection and management of such Forest, the same may be placed in charge of such Forest, or other officer as the said Local Government may appoint in that behalf:

Provided always that the net proceeds of the management of such Forests shall be paid to the owner of the Forest at such times as the Local Government may direct.

Expropriation of land in which Government has no Forest rights.

43. The Local Government may, when such may appear necessary, direct that possession shall be taken on behalf of Government of Forests or lands, the property of communities or other persons in which Government has no Forest rights. In such cases the provisions of Act VI. of 1857, or such other Act for the acquisition of land for public purposes as may be in force at the time, shall be followed as regards the mode of procedure in taking possession of such land, and the compensation to be paid to the proprietors or other persons having a beneficial interest in the land. Such

Forests or lands may be rendered subject to the provisions of this Act, and declare to be State Forests.

Expropriaton of land in which Government has Forest rights.

44. The Local Government may, when such may appear necessary, direct that possession be taken on behalf of Government of any Forests the property of communities or other persons in which Government has Forest rights. In such cases fair and equitable compensation shall be given to the owners of such Forest either by relinquishing the rights of Government in some other Forest or land, or by the grant of land, or by the grant of Forest rights in other Forests or lands, or by the payment of a sum of money; or by the remission or reduction of taxes, or any other Government demand; or by any of these conjointly.

Proposals for compensation.

45. When the Local Government shall direct that possession be taken of any Forest under Section 44, the Conservator of Forests shall draw up a statement of the situation and boundaries of the Forest proposed to be taken, of the owners and others having Forest rights or other beneficial interest in the Forest, of the nature and extent of the Forest rights of Government in the Forest, and of the compensation proposed to be given, and shall submit the same to the Local Government. Such statement and proposals, if approved, shall be communicated to all parties interested. If the said parties shall consent thereto, or otherwise if any objection made thereto be adjusted by mutual agreement, such agreement being approved by the Local Government, a record of the terms of such consent or agreement shall be drawn up, and compensation given accordingly.

Proposals to be referred to the Commission.

46. If the proposals of the Conservator are not agreed to, or the objections thereto cannot be adjusted by mutual agreement, the Conservator shall refer the matter to the decision of a Commission appointed as provided in Section 34, and the nature and amount of compensation shall be determined by such Commission, and on the decision being communicated to the Conservator of Forests, compensation shall be given to the parties interested in accordance with such decision: Provided always that if in any case the decision of the Commission shall award such amount of compensation that the Conservator of Forests, acting with the sanction of the Local Government, shall deem it better that possession be not taken of such Forest, it shall be lawful for him to decline to give the compensation awarded as aforesaid, and in such case the Forest shall continue in the occupancy of the owner, subject to the provisions of this Act.

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PART IX.

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT, AND OF DRIFT TIMBER.

Streams not to be closed or blocked up

47. The Local Government may from time to time, by notification in the official Gazette, prohibit the closing or obstruction for any purpose whatsoever of the channel or banks of any river, stream or other water which is used for the transport of timber or other Forest-produce, whenever such closing or obstruction is likely to interfere with the transport of such timber, wood or other Forest-produce.

Duty to be levied on timber.

48. The Government of India may authorize the levying of duty on timber or other Forest-produce brought from any Forests situated within British Territory, from Forests in the dominions of Princes and States in India in alliance with Her Majesty, or from other Foreign Territory, and may determine the rates of such duty.

And Government shall have a lien on all such timber or other Forest-produce for the payment of such duty, and in the event of such duty not being paid and adjusted within a certain time to be fixed by the Local Government, the timber may be confiscated.

Local Government may make Rules in respect of timber and other Forest-produce in transit

49. The Local Government may from time to time, with the sanction of the Government of India, make Rules consistent with this Act for the control of timber and other Forest-pro-

duce while in transit by land or water within certain territorial limits, whether brought from Forests in the dominions of Princes or States in alliance with Her Majesty, or from other Foreign Territory, or from any Forest within British Territory—

By regulating the mode in which such timber or other Forest-produce shall be carried or floated by land or water; by requiring the person in charge of such timber or Forest-produce to produce a written pass or other sufficient proof of ownership; by determining the persons who shall be authorized to grant such passes; by prescribing the forms of such passes; by requiring the stoppage of all timber or Forest-produce at certain stations for the purpose of being examined, and levying the dues or revenues lawfully payable thereon; by prescribing the form in which the arrival of such timber or Forest-produce at such stations shall be reported by the owner or person acting on behalf of the owner; by determining the mode and time of removal of timber or Forest-produce from such stations by fixing the rates to be paid for timber not removed within the time fixed for its removal; by regulating the manner in which property-marks shall be affixed to wood or timber within certain territorial limits; and by prohibiting the affixing of property-marks on wood or timber by any person so long as such wood or timber shall be within certain territorial limits, or shall be in transit on certain rivers.

The Local Government may from time to time, with sanction as aforesaid, cancel, alter, and add to such Rules. All Rules made under this section, and all orders cancelling, altering and adding to the same, shall be published in the official Gazette, and shall have the force of law.

Property-marks on timber.

50. The Local Government may, by notification in the official Gazette, require all devices used as property-marks on wood or timber, or implements for affixing the same, to be registered, and may determine the office in which they shall be registered, and the time for which such registration shall hold good.

It shall also be lawful for the Local Government to direct the levying of fees for the registration of such devices or implements, and to determine the rates of such fees.

Timber how protected.

51. No person not being the lawful owner, or acting on behalf of the lawful owner, shall, without the permission in writing of the Conservator of Forests, or other Forest Officer specially appointed on that behalf by the said Conservator of Forests, convert, cut up, burn, remove, conceal, sell or otherwise dispose of any wood or timber while in transit or stranded on the banks of any river, or lying in any other place whatsoever.

Salvage services.

52. Whenever it may appear necessary, the Local Government may fix, by notification in the official Gazette, the rates of reward to be paid for salvage services in respect of wood and timber, and no person who shall have saved any drift timber shall be entitled to keep the same, but shall, on tender of the sanctioned rate of reward, deliver up such timber to such Forest Officer or other person as may be authorized by the Conservator of Forests to receive the same.

Drift and stranded timber and wood, how to be dealt with.

53. All timber or wood found adrift in any river or water, or stranded on any shore, island, river bank, or otherwise, within British territory, and all unmarked wood or timber shall be deemed to be the property of Government, until or unless any person prove his right and title thereto. Such timber may be collected by any Forest Officer, or other person specially authorized in that behalf by the Conservator of Forests, and may be brought to any Government Timber Depôt: Provided always that public notice shall from time to time be given of all such drift and unclaimed wood and timber as may be received and kept in any Government Timber Depôt. A period shall be fixed of not less than three months within which claimants may prove their title to such wood or timber. No wood or timber awarded to claimants shall be delivered until payment of the salvage dues or other expenses which

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may have been incurred on account of such wood or timber shall have been made, and Government shall have a lien on such wood or timber for the payment of all such salvage or other expenses incurred. On and after the expiry of the period fixed in the notice, all wood or timber, to which no claim has been preferred, or to which no right or title has been established, shall become the property of Government, and may be sold or otherwise disposed of as the Local Government may from time to time direct.

Claims to drift timber, how decided.

54. All questions regarding the ownership of wood or timber brought into a Government Timber Depôt as drift or unclaimed, shall be decided by such Forest Officer as the Local Government may from time to time appoint in that behalf: Provided that such officer may, if he think fit, decline to decide himself, and refer the parties claiming to the Court having jurisdiction in such cases.

The Local Government may appoint special Courts for the decision of claims to the ownership of timber and other Forest-produce.

55. The Local Government may, with the sanction of the Government of India, from time to time appoint on or more officers to form a special Court for the decision of claims to the ownership of timber or other Forest-produce, and may define the powers and limits of jurisdiction of such Court, and lay down Rules to guide the procedure of such Court, and may determine the Court or other authority to which an appeal shall lie, and the mode and time of presenting such appeal. Whenever such special Court shall be appointed, the jurisdiction of the ordinary Civil Courts shall cease in respect of the matters provided for in this section within the jurisdiction of the said special Court.

PART X.

OF THE PREVENTION OF OFFENCES AND CATTLE TRESPASS.

Duties of Police and Forest Officers.

56. It shall be the duty of every Police or Forest Officer to prevent, and he may interpose for the purpose of preventing, the commission of any offence punishable under the Rules made in pursuance of this Act, or any breach of the provisions thereof.

Duties of persons who have Forest rights.

57. It shall be the duty of all communities or other persons who may have Forest rights in any Forest to which this Act applies, and of all persons who may have acquired by lease or otherwise the right of cutting, using, or removing timber, wood, and other Forest-produce, or of pasturing cattle in such Forest, to assist to the utmost of their ability in preventing the occurrence of fires in the Forest in which they have any right or interest as aforesaid. In the event of a fire occurring in such Forest, it shall be the duty of all such communities or persons to aid in extinguishing the same, and to use due diligence in endeavouring to detect and bring to justice any person or persons who may be suspected of having been concerned in causing such fire.

It shall also be the duty of the communities or persons as aforesaid to prevent the commission of any offence punishable under the Rules made under this Act, or any breach of the provisions thereof. And they shall use due diligence in endeavouring to detect and bring to justice any person or persons who may be suspected of having been concerned in the said offence.

Power of seizing and detaining cattle.

58. Any Police or Forest Officer may seize and detain any cattle found straying or trespassing, or doing damage to any Forest to which this Act applies: all cattle thus seized shall be dealt with according to the provisions of Act No. III. of 1857, or such other Act relating to trespass by cattle as may be in force at the time.

Establishment of cattle-pounds.

59. The Local Government may from time to time authorize Forest Officers to establish cattle-pounds in places where it may be deemed necessary; such pounds shall be subject to the provisions of the Act No. III of 1857, or other Act as aforesaid.

PART XI.

OF PUNISHMENTS AND CONFISCATIONS UNDER THIS ACT.

60. The Local Government may prescribe penalties for offences against any of the provisions of this Act, or for any Rule made in pursuance thereof, or for any omission contrary to the provisions of the said Act, or of any rule made in pursuance thereof: Provided that in no case shall the penalty thus prescribed exceed a fine of five hundred Rupees, or in default of payment of such fine, simple imprisonment of the offender for a term not exceeding six months. It shall be lawful for the officer imposing any fine under this section to award a portion, not exceeding one-half, of the fine to any person on whose information the offender has been convicted.

Punishments for offences against this Act.

Proviso.

61. Whosoever abets, within the meaning of the Indian Penal Code, any offence punishable under any Rule made in pursuance of this Act, or abets any breach of the provisions of this Act, shall be liable to the same punishment as is provided for such offence or breach of the provisions of this Act.

Abetment of offences.

62. Nothing in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence or abetment of an offence, punishable by the Rules made in pursuance of this Act, or from being liable, under any other Regulation or Act, to any other or higher penalty or punishment than provided for such offence by the Rules made under this Act: Provided that no person shall be punished twice for the same offence.

Rules under this Act not to prevent the operation of other laws.

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63. For wilful neglect of duty, or for negligent and careless discharge thereof, the Conservator of Forests may sentence any Forest Officer under his control, whose appointment is not notified in the Gazette, to pay a fine not exceeding one month's pay of such Forest Officer.

Forest Officers liable to punishment for neglect of duty.

64. Any Forest Officer may, without orders from a Magistrate, and without warrant, arrest any person committing an offence against any provision of this Act, or any Rule made in pursuance thereof. Any Magistrate having local jurisdiction may, upon complaint of any infringement of any provision of this Act, or of any Rule made in pursuance thereof, or without complaint if such infringement shall come to his knowledge, take cognizance of the same, and may issue a summons to the person accused or suspected of such infringement, and may proceed against him according to law.

Arrest and seizure in case of infringement of Rules.

65. Any person arrested on the ground that he has committed an infringement of any provision of this Act, or of any Rule made in pursuance thereof, shall, without unnecessary delay, be taken or sent before a Magistrate, who may, if he see reasonable cause, order such person to be detained in custody, or held to bail, until the case shall have been disposed of.

Procedure in case of arrest.

66. All timber or other Forest-produce unlawfully removed or attempted to be removed from any Forest to which this Act applies, or from any station appointed by any Rule made under Section 50, or from any Government Timber Depôt, or from the custody of any Forest Officer, or dealt with or attempted to be dealt with, contrary to the provision of Section 52, or on which any mark has been obliterated or altered, or which has been wrongfully marked, or for which the dues and revenues lawfully payable thereon have not been adjusted, or for which a pass or other proof of ownership is not produced as prescribed by any Rule made under Section 50, and all implements, tools, boats, and carts used in infringing any of the provisions of this Act, or of any Rule made in pursuance thereof, shall be liable to be seized by any Police or Forest Officer, and shall be dealt with in the manner provided in the next section.

Seizure of Forest-produce and implements.

67. When any timber or other property shall be seized, any Magistrate having local jurisdiction may

Confiscation of Forest-produce and implements.

upon information or otherwise, summon the person found in possession of such timber or other property, or suspected to have been concerned with the same, and upon his appearance, or in default thereof in his absence, shall examine into the cause of the seizure of such timber or other property, and in the case of timber or Forest-produce described in the last preceding section, may direct the same to be restored to its lawful owner, or, no such owner appearing, to be confiscated and sold on account of Government; and in the case of tools, implements, boats or carts used in infringing any provision of this Act or Rule made in pursuance thereof, may direct the same to be confiscated and sold on account of Government. The sale of timber or other property confiscated under this section, shall be effected in such manner as the Local Government may from time to time direct. Such confiscation may be enforced in addition to any fine or penalty imposed under Section 61.

Portion of proceeds may be awarded to informer.

68. In all cases where the confiscation and sale of such timber, Forest-produce implements, tools, boats and carts shall be adjudged as aforesaid, it shall be lawful for the Magistrate adjudging the same to award a portion of the proceeds of such sale, not exceeding one-half, to any person on whose information such property has been seized.

Penalty for vexatious seizures and arrests.

69. Any Police or Forest Officer who shall vexatiously and unnecessarily seize any moveable property of any person under the pretence of taking property liable to seizure or confiscation, or who shall vexatiously and unnecessarily arrest any person or commit any other excess beyond what is required for the execution of his duty, shall be liable to fine not exceeding five hundred Rupees, or in default to imprisonment for a term not exceeding six months.

Enforcement of confiscations and penalties under Rules.

70. The provisions of the Code of Criminal Procedure shall be applicable to the trial of all cases of infringement of provisions of this Act, or of any Rule made in pursuance thereof, and to all appeals from orders passed on such trials.

Remission of penalties.

71. When any confiscation or penalty shall be adjudged under this Act, the Local Government may, within three months after final judgment, call for the proceedings of the case, and if it shall see cause may direct that the property seized, or any part thereof, be restored, and may remit the penalty, or any part thereof, and direct that the offender be discharged.

Limitation of suits.

72. Any suit against any person for any thing done or purporting to have been done in pursuance of this Act, shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such suit, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the suit. The plaintiff shall not recover if tender of sufficient amends is made before suit, or if a sufficient sum of money is paid into Court after suit brought by or on behalf of defendant.

Period within which charges to be brought.

73. No charge for an offence against this Act, or against any Rule made under the same, shall be instituted, except within six months after such offence has been discovered by a Forest or Police Officer.

Prosecution against Forest Officers.

74. A charge of an offence punishable under this Act, or under any other law for the time being in force, of which any Forest Officer whose appointment is notified in the official Gazette, is accused as such Forest Officer shall not be entertained against such Forest Officer without the sanction of the Local Government.

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Explanatory Memorandum on draft Forest Bill by Mr. D. Brandis, *Inspector General of Forests, dated Simla, 3rd August* 1869.

The experience of the last four years has shown that the existing Government Forest Act (VII. of 1865) is not quite applicable to the requirements of Forest administration in this country.

This Act gave power to make rules for the management of Government forests, and accordingly rules have been made and promulgated for British Burmah (August 1865), the Central Provinces (August 1865), Oudh (September 1866), Coorg (September 1865), and British Sikkim in Bengal (August 1866).

These rules were prepared by the local authorities, approved by the Advocate General, and promulgated with the sanction of the Governor General in Council.

2. But the Burmah rules have since been found to be illegal, their provisions were not covered by the Act, and it has lately been found necessary to legalize them by a special enactment. The Central Provinces rules also are believed not to be in accordance with the Act. Like those for the Burmah forests, they contain distinct provisions for two classes—the reserved and unreserved forests—and the Advocate General has since stated his opinion that this is not provided for by the Act which recognizes one class of Government forests only.

3. The rules for Coorg, Oudh and Sikkim are incomplete. Section 2 of the Act prescribes the issue of a notification in each province, defining the Government forests, which should be made subject to the provisions of the Act. Excepting the reserved forests in the Central Provinces, the boundaries of which are notified in the official *Gazettee* as the demarcation of each forest is completed, and the forests of Burmah, the limits of which were indicated in the rules, no Government forests have as yet, in accordance with the Act, been notified in any province. Nor would this have been practicable, those cases excepted where the boundaries of the forests have been defined and demarcated.

4. The demarcation of Government forests was only commenced a few years ago, and it is now progressing gradually in most provinces. But forest rules were wanted at once to secure the protection of the forests, without waiting for the demarcation of their boundaries.

And it should further be stated that a large portion of the forests under the control of Government will remain undemarcated for the present, and that rules are required for the protection of these forests also.

The Forest Act of 1865 does not distinctly recognize the existing state of things, and it has, therefore, become necessary to frame a revised Bill, the object of which is to make the law applicable to the different classes and descriptions of forests existing and under formation.

5. Moreover, Act VII. of 1865 is incomplete in many respects, the most important omission being the absence of all provisions regarding the definition, regulation, commutation, and extinction of customary forest rights. The Act merely provides that the notification, defining Government forests, shall not abridge or affect any existing rights of individuals or communities.

6. Now it must be borne in mind that forest rights are necessarily vague and undefined. They are the result of long established custom under the old state of things, when the forests were to a certain extent regarded as the common property of everybody, and when the people in the vicinity of a forest were in the habit, under varying restrictions and taxes imposed by the former rulers, of resorting to it for wood, timber, grass, and pasture for their cattle, and for a variety of other forest produce. It seems necessary that some procedure should be fixed for defining and regulating these rights, otherwise they will render nugatory the operation of any Forest rules, and impossible the protection of any forest. The attempt has been made to supply this omission in the draft Bill now submitted.

x and what else can they?
The State is only the superintendent of growing trees

management, will greatly aid the development of a sound and satisfactory organization of agricultural and other communities. Those who are acquainted with the beneficial results, which are the fruit of a thrifty and well arranged administration of the communal forests in several countries of the Continent of Europe, will appreciate the importance of this measure.

19. When the first proposals for the demarcation of State forests were made, they found favour in Bombay, Oudh, and the Central Provinces only; in most other provinces the scheme was considered as unnecessary or premature. And now there are hardly two different opinions on the subject. It does not, therefore, seem unreasonable to expect that eventually the formation of Village forests also will be regarded as an important and beneficial measure.

There is every prospect that a commencement in this respect will be made in the Kangra District of the Punjab. The protection and management of the *Shamilat* or communal forests in that district will require rules similar to those under which the State forests will be placed, and in the present state of things it will be necessary that the Forest Officers for the management of these forests should be appointed by the Local Government, though the cost of these establishments will be defrayed from the revenues of these forests.

20. Parts IV., V. and VI. relate to customary rights in the forests. These sections refer to demarcated forests only; they cannot be made applicable to forests, the boundaries of which have not been defined.

The following are the main provisions in this respect :—

1*st*.—No fresh forest rights shall accrue in any forest, of which the boundaries have been notified by the Local Government.

2*nd*.—No forest rights will be recognized in a demarcated forest, unless a formal claim is preferred within three years from the date when the boundaries of the forest were notified.

3*rd*.—Forest rights will be exercised in a demarcated forest under certain restrictions, which are as follow :—

No forest rights may be exercised in such portions of a forest as have been closed under competent authority. The area of these closed portions must not, however, exceed one-third of the whole.

Such rights, and any forest produce obtained by the exercise of them, may not be alienated by sale or lease.

4*th*.—Roads and paths may from time to time be closed in demarcated forests.

These provisions, if accepted, will constitute demarcated forests a species of privileged property, whether they be the property of the State, or of communities, or of public institutions.

21. To a small extent these provisions will interfere with the free exercise of the customary forest rights without compensation. This interference, however, will only operate by limiting the area from which the forest right-holders may provide themselves with the timber, wood, pasture, and other forest produce, which they have been in the habit of taking from the forest; it will not necessarily diminish the supplies of these articles to the persons entitled thereto.

Interference to this extent is unavoidable if the protection and improvement of demarcated forests is intended, and it does not appear incompatible with a due regard for these customary rights. In the majority of cases such interference, with the free exercise of existing rights, will be only temporary; for it is hoped that it will be possible, under the provisions of this Bill, and by the grant of suitable compensation to free most forests of customary forest rights. There may, however, be cases in which all attempts to effect an arrangement may break down, and in which the forests will remain encumbered with customary rights. If in

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such cases, which it is hoped will be of rare occurrence, the Forest Department has not the power of closing from time to time a portion of the forest, then the productiveness of such forest cannot by any means be improved. By closing portions of it in rotation, the forest will be made to produce more and better descriptions of wood, grass, bamboos, and the like, and the people who have forest rights will in reality benefit by the change, though at first some inconvenience may occasionally be felt by them. To provide compensation for this kind of interference, or for the closing of roads in demarcated forests, would lead to endless petty claims, with which it would be difficult to deal, without such waste of time on the part of the Forest Officers, as would be quite incommensurate with the objects aimed at. The commutation and regulation of forest rights, as provided in Part V., is an operation which is made once only in each forest, but claims for the inconvenience arising from the closing of roads, or from the closing of certain blocks of the forest in rotation, would occur every year and every month, and there would be no end of these petty cases. And after all, whatever is done for the improvement of the forest in this manner, is not only intended to promote the welfare of the country in general, but will equally and directly benefit every holder of forest rights in the forest.

22. For all interference, however, beyond the provisions of Part IV., fair and equitable compensation is provided. Such compensation will commonly consist in the grant of forest rights in other lands, in the grant of land, or in the Government relinquishing forest rights in other lands. The main object to be kept in view should invariably be to make such arrangements as will satisfy the actual requirements of the population in the vicinity of the forests, and, considering that the demarcated forests will, as a rule, be a small proportion only of the total forest area, it will not generally be difficult to effect such an arrangement. Money compensation will, I trust, be necessary in exceptional cases only. But in some cases it may be found expedient to remit or to reduce taxes, or other Government demands, whenever their amount has been fixed on the understanding that the people would have the free and unrestricted exercise of forest rights.

23. If these principles are clearly established it will then be possible, without the risk of injustice and oppression, to give to Local Governments the power to order the regulation, commutation, or extinction of those forest rights, the unrestricted exercise of which may be incompatible with the conservancy of the forest.

This power is proposed to be given in Section 29; and in Sections 31 to 33 the mode of procedure in this matter is prescribed. In such cases it is proposed that the Conservator of Forests shall, in the first instance, make definite proposals, and shall obtain the sanction of the Local Government thereto. On the ground of these proposals, he shall then endeavour to effect an agreement with the parties interested. If these endeavours fail the matter shall be referred for decision to a special Commission, the appointment and duties of which are provided for in Part VI.

24. Besides the decision of matters connected with regulating, commuting, and extinguishing forest rights, the following duties are to be entrusted to this Commission :—

1*st*.—To determine the nature and amount of compensation to be given in the case of any expropriation of forest lands in which Government has forest rights. In matters of this description, as well as in regulating and commuting forest rights, it has been proposed to make the decision of the Commission subject to confirmation by an officer appointed by the Local Government in that behalf.

2*nd*.—The settlement of boundary disputes.

3*rd*.—The definition of existing forest rights.

With regard to these matters the decision of the Commission should be final, and not subject to any appeal or confirmation.

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25. It has also been provided that in case it may not be deemed necessary by the Local Government to appoint a Commission for these purposes, the powers of the Commission may be exercised by the ordinary Civil Courts. As a rule, however, it will probably be preferable to appoint a Commission for this purpose in each province. The inquiries will necessarily be of a peculiar character, and in the course of their proceedings the members of the Commission will gradually make themselves familiar with many details, the knowledge of which is an indispensable condition for dealing with these matters in a satisfactory manner. It is hoped that if matters are properly managed, and the demarcation of State and other forests is steadily proceeded with, the labours of these Commissions for the settlement of forest rights in the different provinces may be terminated within a limited period.

26. Part VII. treats of forest rules to be made under this Act. These rules are intended to provide for the demarcation and maintenance of boundaries, and for the protection and the management of any forests to which this Act will apply. A special clause has been inserted to give authority to make different rules for different classes of forests.

Power is also proposed to be given to make rules for the protection of fish and game in the forests to which this Act applies. This provision is permissive. Should hereafter any general legislation for the protection of fish be decided upon no rules to this effect need be made under the forest Act. In demarcated forests rules of this nature appear called for, in order to secure the entire management of these estates being in the hands of forest Officers.

27. Whatever rules are made under Section 39, they will not interfere with the exercise of existing forest rights, further than is prescribed by the provisions of Part IV., regarding the exercise of forest rights in demarcated forests.

28. Part VIII. relates to the control over lands and forests which are not the property of Government. Sections 42, 43, and 44 relate to lands in which Government has no forest rights; they provide, for the protection of forest on such lands when its maintenance is required for the public benefit, and they give authority for the expropriation of such lands if required for forest purposes. Sections 45 to 47 contain provisions for the expropriation of forests in which Government has forest rights. As explained above, it is proposed to entrust the fixing of compensation to a Commission in those cases in which the Conservator is unable to conclude an agreement with the parties interested.

29. Part IX. treats of the control of timber and other forest produce in transit, and of drift timber.

This part contains a series of substantive provisions, and a Section (50) giving power to make rules for the control of timber and other forest produce while in transit by land and water. This section is intended, among other things, to give authority to require the production of passes, or other proof of ownership for timber and other forest produce from whatsoever source it may have been brought. The want of a provision to that effect has been felt in Bombay, where the Government forests are frequently much interlaced with private forest lands. In connection with the third head of Section 39 the question has been considered, whether in its place, or in addition to it, any substantive provisions should be inserted in the Bill, to regulate the sale of timber and forest produce, and the collection of forest revenue generally.

In the French Code *Forestier* four chapters are devoted to the conditions under which the timber standing in the forest shall be sold (Section 3), the rules under which such timber shall be cut and removed (Section 4), the control to be exercised over the operations of the purchasers of such timber (Section 5,) and the rules which shall regulate the lease of pasture in the forests (Section 6). These provisions in the French forest law are found necessary to regulate these matters, as the circumstances of these transactions are altogether peculiar, and not sufficiently provided for by the ordinary laws of the country.

A case has lately arisen in this country, which at first sight would seem to demand some provision of a similar character. A Forest Officer accepted payment for a quantity of Government timber to the amount of upwards of Rupees 30,000, and decamped with the money, leaving Government liable to delivery of the timber. But though a provision might be inserted in the Bill, providing that all sales purporting to have been effected by persons not specially authorized, will be null and void, and that no payment made to persons other than those specially authorized will be held to give any claim to the delivery of timber or forest produce, such provisions would not protect Government against loss in all cases, nor can any such provision be a safeguard against fraud. It has, therefore, been thought sufficient to provide, in the third head of Section 39, that certain Forest Officers may, by the Conservator, be authorized to sell timber and other forest produce, and to receive forest revenue.

30. Among the sections containing substantive provisions, Section 49 authorizes the levy of duty on timber or forest produce in transit; the necessity of this provision requires no explanation.

Section 54 lays down the principal that all timber or wood found adrift or stranded in any river or water in British territory, shall be deemed to be the property of Government, unless any person prove his right and title thereto, and it prescribes the procedure with regard to the disposal of such wood and timber, the main provisions of which are that periodical notices, inviting claimants, shall be published of all drift and unclaimed timber which may be lying at any Government Timber Depôt; that these notices shall run not less than three months; that in the event of no claimant appearing during the time fixed, the timber shall revert to Government; that questions as to the ownership of such timber may be decided by Forest Officers specially authorized thereto, but that these Forest Officers shall have the option to refer claimants to the ordinary Civil Courts. Finally, Section 56 provides for the appointment of special Courts for the decision of claims to the ownership of timber generally. This section is required to legalize the constitution of such Courts in Burmah; it may become necessary in other provinces also (Bengal, Punjab, and the North-West) where timber is imported from Foreign territory.

31. In Parts X. and XI., on the prevention and punishment of offences, several new provisions have been introduced, which were wanting in the Act of 1865.

Section 58 requires assistance to be given in the detection and extinction of jungle fires by all persons who exercise forest rights in any forest, or hold a lease of timber, pasture, or other forest produce.

Sections 59 and 60 legalize the establishment of cattle-pounds by Forest Officers, and authorize the seizure and detention of cattle trespassing in any forest.

32. The punishments provided by the Act are as follow:—

1*st.*—Fine not exceeding Rupees 500, and in default of payment, simple imprisonment for a term not exceeding six months.

2*nd.*—Seizure and, except in the case of Government property, confiscation of any timber or other forest produce unlawfully obtained, or of implements and other moveable property used in committing any offence against the Act, or against the rules made under it; the timber or other forest produce being either restored to Government or other lawful owner, or sold on account of Government: confiscation may be enforced in addition to fine.

3*rd.*—In the case of wilful neglect of duty by Forest Officers who are not gazetted officers, fine to the amount of one month's pay by the Conservator.

33. In Section 74 it has been provided that no charge for an offence against any provision of the Act, or of the rules made in pursuance thereof, can be instituted after six months have elapsed from the time when such offence was discovered. It appears necessary to fix the date of discovery as the starting point, as the forests in most provinces are scattered over a wide extent of country, and are frequently all but inaccessible during a considerable part of the year.

The last Section 75, which requires the sanction of the Local Government to the prosecution of any gazetted Officer, is framed in accordance with Section 167 of the Code of Criminal Procedure.

1321/96

No. 1,224.

Proceedings of the Board of Revenue, dated 21st March 1871.

Read the following Proceedings of the Madras Government, dated 12th December 1870, No. 2,007, Revenue Department:—

No. 246. Read the following letter from the Officiating Secretary to the Government of India, Public Works Department, (Revenue Forests,) to the Governments of Madras, Bombay, Bengal, North-Western Provinces, and the Punjab; and to the Chief Commissioners of Oudh, Central Provinces, British Burmah, and Coorg, dated Fort William, 28th November 1870, Circular No. 20.

In December 1868 a draft Forest Bill was circulated for the opinion of Local Governments and Administrations. In accordance with the suggestions made in the replies received, the draft was revised by the Inspector General of Forests, with the assistance of Mr. Baden Powell, the Officiating Conservator of Forests in the Punjab. The revised draft has not yet been considered in this department, and before it is approved and submitted to the Legislative Council of the Governor General, His Excellency in Council desires to have the opinions of all Local Governments and Administrations on the measure proposed.

P. W. D. Circular No. 20, dated 15th December 1868.

2. The main objects aimed at in framing the present document have been to provide for the following matters not provided for in the Government Forest Act of 1865:—

1*st*.—The regulation and settlement of forest rights in Government forests.

2*nd*.—The levying of dues on timber imported from Foreign territory, and the control of the transit of timber and other forest produce grown in other than Government forests.

3*rd*.—To declare that all drift, stranded, and unclaimed timber found in any river, shall be deemed to be the property of Government, until any person prove his right thereto.

4*th*.—The control, in special cases, of private forests, where the welfare of the country appears to demand such interference.

5*th*.—Punishment by fine, in addition to confiscation of timber and implements in certain cases.

3. A doubt had been raised regarding the power of Government to make rules under Act VII. of 1865 to provide for the administration of several classes of forests, and this was adverted to in previous correspondence on the subject. By a late decision of the Government of India in the Legislative Department this doubt has been removed, and Forest rules for the Bengal Presidency are now about to be published, with separate rules for reserved and open forests.

4. The draft Bill is accompanied by an Explanatory Memorandum drawn up last year by the Inspector General of Forests, and I am directed to request that the documents now transmitted be circulated to those Forest and Revenue Officers who are likely to give an useful opinion on the subject, and that the conclusions of the Government of Madras be reported for the information of the Government of India.

No. 247. Order thereon, 12th December 1870, No. 2,007.

Forests, No. 7.

Ordered to be communicated to the Board of Revenue and to the Conservator of Forests for their remarks.

2. The Government desire that the Board will obtain and submit the opinions of those Collectors who have personal knowledge of the working of the present Forest Conservancy system, whether in their present or former districts, on the provisions of the Bill.

3. The Conservator of Forests will similarly submit the opinions of the most experienced of his deputies on its details.

(True Extract.)

(Signed) W. HUDLESTON,
Secy. to Government.

To the Board of Revenue.

Memorandum from C. MACLEAN, Esq., Acting Under Secretary to Government, to the Acting Secretary to the Board of Revenue, dated Fort Saint George, 10th February 1871, No. 23.

ABSTRACT.—Requesting submission of report called for on Forest Bill.

THE Board regret that by an oversight Government Order, dated 12th December 1870, No. 2,007, has not yet been communicated to Collectors, as desired in paragraph 2.

2. The Board now resolve to communicate the order, with copies of the Bill and the Explanatory Memorandum, (which will be re-printed,) to *all* Collectors, and request them to report with special reference to what they have seen of Forest Conservancy and to the communal rights of the people.

(True Extracts.)

(Signed) J. GROSE,
Acting Secretary.

To the Secretary to Government, Revenue Department.
,, all Collectors, with Bill and Memorandum.

Exd. J. Tulloch.

1871.
Board of Revenue,
MADRAS.

PROCEEDINGS, 21st MARCH 1871, No. 1,224.

Received

Encl.

MARCH.
No. 1,224.

Draft Forest Bill—and Explanatory Memorandum, forwarded to all Collectors, with request to submit their opinions on provisions of Bill.

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From F. C. CARR, Esq., Acting Collector of Ganjam, to the Acting Secretary to the Board of Revenue, dated Chetterpore, 31st May 1871, No. 598.

I HAVE the honour, in reply to the Proceedings of the Board, dated the 21st March last, No. 1,224, to refer to the letters of my predecessors, Messrs. Forbes* and Ellis,† in which they stated their opinion that the Act would operate with severity on the poorer classes in this district, and to add that, individually, from what I have myself seen of forest conservany, and with regard to the communal rights of the people, I have no suggestion of any value to offer upon the provisions of the Bill.

* 21st November 1866, No. 3,223.

† 3rd December 1870, No. 1,551.

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From R. J. MELVILLE, Esq., Acting Collector of Vizagapatam, to the Acting Secretary to the Board of Revenue, dated 8th April 1871, No. 337:—

I HAVE the honour to reply to Board's Proceedings, No. 1,224, dated 21st March 1871.

2. The draft Bill therewith enclosed seems to be admirably adapted for the preservation of forests, but in effecting this object proprietary rights seem to have been lost sight of.

3. Section 17 seems to me to tamper with the rights hitherto possessed by the village communities of this Presidency. Section 15 provides that if a disputed boundary cannot be arranged by mutual agreement the dispute shall be referred to a Commission by the Conservator of Forests. It appears to me that it should be open to either party to apply to the Commission whether the Conservator of Forests refer it or not. Who are to constitute the Commission is no where stated in the Bill, but from some remarks made in the Explanatory Memorandum it would seem it is to be composed partly of officers of the department. This I consider to be very objectionable.

By Sections 25 and 26 rights are rendered liable to be arbitrarily interfered with, and Section 27 especially provides that no compensation is claimable on this account. This provision is of a sort I never before remember to have met with in an Act of the Legislative Council. Section 32. The powers given by this section must give rise to great inconvenience.

4. Sections 35, 36 and 37 are quite irreconcilable.

Section 42 gives the department power to interfere with private forests, as though they were public property, and no mention is anywhere made of compensation. The compensation provided in Section 43 is to be given only in cases in which Government take over in private trust. Section 41 enables the Conservator when he sees fit to decline to give the compensation awarded by the Commission. Nothing is provided as to the payment of the costs of the inquiry by the Commission, which should in this case be clearly paid by the department.

Section 54 provides that a Forest Officer appointed by the local Government is to decide all questions regarding ownership of drift or unclaimed timber, but that officer may, if he think fit, refer the claimants to the Court. Sections 53 and 54 read together amount to this, that all unclaimed timber becomes the property of Government after three months. Within this period claimants are to prove their title to the satisfaction of an officer of the department, failing which that officer takes charge of them as Government property. I think it will be more satisfactory if some less interested tribunal had the disposal of these cases. In saying this I have no intention of impeaching the impartiality of the officers of this department, but zeal for the interests of the department may prevent their giving due weight to adverse claims.

Sections 64 and 65 give to Forest Officers powers which exceed those possessed by Police Officers. I am entirely opposed to any such powers being given. The provision in Section 65, that the person in custody is to be taken without unnecessary delay before a Magistrate is futile, as the probability of a Magistrate's Court being in close proximity to a forest is small. Section 74. I think this provision is uncalled for, and that its effect would be mischievous.

In conclusion, I would observe that in the body of the Bill wherever another section is referred to the wrong number is given.

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From J. FRASER, Esq., Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 23rd May 1871, No. 183.

With reference to the Board's Proceedings, dated 21st March 1871, No. 1,224, and their Official Memorandum, No. 664, of 15th instant, calling for opinion of Collectors on the provisions of Draft Forest Bill, I have the honour to state that I have no personal knowledge of the working of the present Forest Conservancy system. In this district there is no Forest Conservancy, there being no Government Forests to conserve. I do not therefore give any opinion on the subject.

From T. A. N. CHASE, Esq., Collector of Kurnool, to the Acting Secretary to the Board of Revenue, dated 27th May 1871, No. 177.

In reply to Board's Proceedings, dated 21st March 1871, No. 1,224, forwarding for opinion a draft Bill for the management of forests, I have the honour to state that to avoid all doubt in the administration of Forest Rules, some legal enactment is necessary for declaring the proprietary right of Government, and for punishing the clandestine felling of timber and mischief by fire with fine and confiscation, but the provisions of the present Bill are, I consider, inapplicable to the forests of this Presidency.

2. In Section 6, forest is defined as a tract of country covered with trees and grass, and, as explained by the framer of the Bill, includes not only the large uninhabited tracts, but also jungles and pasture lands in the vicinity of populous villages. Forest right as defined in the next clause includes the right to prohibit the pasturing of cattle as well as the cutting of timber. These definitions coupled with subsequent Sections of the Bill, which provide for the restriction of communal rights, the establishment of cattle pounds in Forest lands, and the apprehension of offenders without warrant by Forest Officers, including the lowest paid Peons of that department, would give rise to acts of oppression and annoyance, which could not be guarded against by any rules that the Government may frame, the more especially as this Bill contains no provision for the co-operation of the Revenue authorities in any manner whatsoever.

3. The forests of this district, and I may say of this Presidency, are all forests in which the right of Government is limited by the customary privileges of village communities and hill tribes.

4. In this district many of these privileges, particularly the pasturing of cattle, the gathering of leaves for manure, and the cutting of firewood for domestic purposes and for sale, have been enjoyed from time immemorial both by the villages in the immediate neighbourhood of the forests, and also by all the villages throughout the district.

5. It has also been customary for the ryots of Nellore and Kistna Districts to graze their cattle for six months of the year on the eastern slopes of the Nallamala hills, and though their right is only permissive and acquired by long usage, the closing of forest pastures against them would tell seriously upon the breeding of cattle and the agricultural prosperity of those districts and affect the supply of cattle to the Kurnool District, for which it almost entirely depends on the Coast Districts.

Part 4 provides for the adjustment of private rights, and as a ground work of this settlement Section 18 lays down that no fresh forest rights shall accrue. This will operate against the extension of cultivation. Under the present ryotwary system, lands not required by resident villagers are offered to strangers, and if this offer is to be saddled with a condition that the stranger must pay a grazing fee for his cattle in addition to the land assessment while others pay the assessment only, it will not be accepted and the extension of cultivation will be impeded. In like manner the inhabitants of the village who undertake cultivation for the first time, or who may increase their holdings after the demarcation of the forest, will be compelled to pay a similar fee, and in this way the old system of Poollery will be revived with all its attendant evils.

6. By Section 19 it is proposed to ignore the existence of the forest rights of all persons except those of the villages, which "are situated within five miles of the forest boundaries." This I think is not politic, and must entail great hardship on those who live under the ryotwary

system of Land Revenue. Moreover, the limit of five miles is not sufficient, and in some instances may operate as an extinction of otherwise admissible rights, for several villages whose nominal boundary encloses the forests are situated more than five miles from what might be probably fixed as the new forest boundary.

7. Sections 19 to 22 provide for the investigation and permanent settlement of forest rights. But I think it impracticable to make a satisfactory settlement, for no one is able to state the nature and extent of his claim in forests.

The customary rights are indefinite and contingent, and vary with the requirements of each individual, the extent of his holding, and the number of cattle possessed by him. At the time the claim is submitted a man may possess but two or three head of cattle, in the very next year after the settlement he may own as many hundreds. In submitting his claims, therefore, he will naturally include this contingent right, and to deny him that right is to deprive him of all his forest privileges.

8. By Section 19, Clause 8, the claim is required to be submitted by the headmen of the village or by each individual member thereof. In some villages the inhabitants may choose the headman as their mouth piece, in others where factions exist, each party, and in some cases each individual, will prefer to make his claim.

It is not clear from the wording of the Section whether the headman is to submit the claims for the whole village or simply hand over a statement of each individual's claim as preferred by him.

In the event of the former course being adopted, which will probably be the case, the headman will have the power to regulate the internal arrangements of the village with reference to the nature and extent of the rights conceded, and the number of cattle allowed to graze, etc., *vide* Section 29; in other words, the old village system will be introduced for forest purposes, except that the headman will not be controlled by a Committee of the chief men of the village as was formerly the case.

9. Sections 24 and 25 give the Conservator the power of closing forests. In many cases this will operate as deprivation of admitted forest rights. If for instance the portion of Nallamala between the Nandikanama pass and Mantralakanama pass were closed, the people of Nundial and other villages who chiefly cultivate wet lands (and this cultivation may increase under the new Irrigation Canal) will have to go some 30 or 40 miles for leaves for manure and for pasture lands for their cattle, and a great hardship will be inflicted by Section 26 on hundreds of helpless women whose only means of livelihood for several months of the year consists in gathering for sale jungle produce, such as Kaliva (Carissa Diffusa), Jana (Grevia Rotundiflora), and other fruits, and various kinds of leaves eaten by the natives. During the famine of 1866, in the talooks of Markapur, Cumbum, and in parts of Nundial, Sirwell, and Nandikotkur, thousands of people lived on Boddikura (Rivea Hypocrateriformis) and other herbs, and the hill grass supplied food for cattle which suffered much for want of fodder. Inconvenience will also be felt by native doctors, most of whose medicines are found in the forests, probably at the very season when the forests may be closed. When the forests are open, inhabitants of other than the favoured villages, and who may be the only ones who possess a knowledge of medicine, will not be able to collect forest produce, as they will have no forest rights. And those who have forest rights are prevented by Section 26 from selling the produce of the forests. I do not think that the Conservator's Department will make any arrangements for the gathering of the medicines for public sale.

10. Section 26 prohibits the alienation of forest rights by sale or otherwise, while Section 18 disallows new rights. These provisions will tell seriously on the value of landed property, and render it almost unsaleable; few would buy lands and cattle unless allowed with other ryots the means of feeding cattle and procuring the usual vegetable manure. In the latter part of this Section, Courts of Justices are authorized to sell forest rights. This seems somewhat inconsistent, because the Courts only act on behalf of the owner and cannot exercise privileges which the owner himself does not possess.

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11. The Bill is silent regarding the hill tribes scattered throughout the forests, and who live almost entirely by the sale of hill produce.

This right it is proposed to ignore by Section 25, and compensation will not be made for its extinction by Section 27. I do not think it possible to close any forests or forest pathways against the Chensus. They will make their own way, and come down to see their customers at the foot of the hills, and if they are allowed egress and ingress, it is not practicable to prevent others from taking advantage of their routes. Any attempt to regulate the movements of Chensus must prove a failure and endanger the safety of travellers.

12. After the settlement of forest rights it is proposed by Section 28 to purchase them on behalf of Government by paying compensation once for all, or regulate them by certain stringent rules. It will be impossible to carry out the former plan, because the communal rights of villages are not transferable rights, nor can their value be estimated in money.

The present generation has only a life interest in them, and must hand them down to future generations as they received them.

13. There are many difficulties in the way of regulating the forest rights by rules. As already remarked in paragraph 10, the nature and extent of forest rights are very vague and indefinite.

Section 29 provides that this Regulation "should consist in determining among other matters "the quantity of wood to be annually delivered to those entitled thereto" and "the time, the place, and mode of delivering the same and the number of heads of cattle which may be sent into the forest."

14. These provisions, especially that regarding the cattle, are quite unsuited to ryotwary districts. They involve the necessity of forest officers keeping registers of persons entitled to forest rights, and of satisfying themselves by enquiry, or otherwise, as to the identity of persons applying for wood, and examining from time to time the number of cattle grazing in the forest.

15. Section 38 empowers the local Government to frame rules on a variety of matters including the protection of fish and game. Though the local Government may exercise these powers with much discretion, it is undesirable and unnecessary to give the power of making fish and game laws and creating offences to which are attached criminal penalties to the Executive Government advised, as in these matters it must be, by a department which will naturally make the rules as stringent as possible.

16. Section 43 empowers Government to take possession of private forests under the Act for the acquisition of land for public purposes. In some cases this provision will prove very useful as in the case of land possessed by a man named Achayya in this District, who holds some 500 acres of forest land in the Nallamala Forests, and causes great trouble to the Forest Department. But I consider it wrong in principle to apply the Act for forest purposes. The successful management of forests or Forest revenue does not appear to be such a public purpose as is contemplated by that Act. To take, for instance, the case of the Velegonda hills, where a portion of the forest belongs to Government and a portion to the Zemindars of Venkatagiri and Kalastri, it is not improbable that persons passing through the Zemindary tracts take wood also from the Government forest. But I do not think that Government will be justified on that account in exercising its superior power to deprive the Zemindars of their forests for the benefit of its own Forest revenue.

17. The other portion of the Bill relating to cattle pounds in the forests are equally stringent, but call for no special remark.

18. I have watched the working of Forest Rules in the district for several years, and think that they are stringent enough for the proper conservancy of the forests, and for the protection of the Forest revenue. They provide for the formation of reserved tracts, the levy of seigniorage on reserved and unreserved timber, and the grant of free passes to cultivating ryots by the Talook Revenue authorities, the only class of public officers fitted to prevent abuse of the privileges which the Govern ment are obliged to concede.

The Collector of the district also exercises a sort of supervision over the acts of forest subordinates, whose orders for confiscation have to be confirmed by him.

19. I have not heard of any instance in which the permission now given for the free pasturing of village cattle, the collection of jungle produce, or the shooting of animals in forests, have been abused, nor has any instance been brought to my notice of Forest Officers having been obstructed in the exercise of their duties. Some instances, however, of the Forest Rules being enforced with great severity by the Forest Officers have occurred, and Forest Peons have used their powers oppressively. The passing of the present Bill into law would increase these powers of oppression and supply means for defence to those officers.

20. I am therefore of opinion that the present Bill with its numerous privileges is not needed. As stated in paragraph 1, a short enactment legalizing the punishment of smuggling and mischief and the confiscation of smuggled wood is all, I think, that is necessary for the preservation of Government interests in the forests of this Presidency.

21. I beg to forward a copy of Mr. Turner's report on the subject. I trust that the pains taken to enter exhaustively into the subject of the Bill and the length of this report* will be a sufficient excuse for the time which it has taken to reply to the Proceedings of the Board.

* No. 72, dated 5th May 1871.

ENCLOSURE No. 1.

From E. TURNER, Esq., Acting Head Assistant Collector, to the Collector of Kurnool, dated Cumbum, 5th May 1871, No. 72.

I HAVE the honour to furnish the report called for in your foot-note No. 116, dated 3rd April 1871, to Proceedings of Board of Revenue, dated 21st March 1871, No. 1,224.

2. In paragraph 2 of their order the Board request the report to have special reference to what the writer has seen of Forest Conservancy and to the communal rights of the people.

3. The portions of the draft Act that will affect the communal rights of the people are Parts IV., V., VI. These Parts provide for "the definition, regulation, commutation, and extinction of customary forest rights." The old Act VII. of 1865 did not abridge or affect any existing rights of individuals or communities.

4. At present, village communities exercise the right of resorting to the jungle for wood, timber, grass, and pasturage for their cattle. These rights hitherto have been no further regulated than by the imposition of a certain seigniorage upon the more valuable timber and upon the sale of firewood.

The following is the scale of seigniorage sanctioned for this district:—

Reserved.

	Rs	A.	P.
Worked, per bandy-load	6	0	0
Rough, do. do.	3	0	0

Unreserved.

Worked, per bandy-load	2	0	0
Rough, do. do.	1	0	0

Firewood.

Per bandy-load	1	0	0

Bamboos.

Per bandy-load	0	5	0

The villagers may cut firewood for their own use and, when their houses are destroyed by fire, certain timber of little value for re-building their houses free of charge.

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5. It is evident that even under the present system the forests are very far from being common property to the village communities. Under the draft Act they would be still more defined and restricted. Under the new Act, certain parts of the forest would be closed altogether and the villagers would probably be allowed only to cut firewood in certain appointed places. The same would be the case with regard to cattle grazing. Some parts of the jungle would be closed to them to which they have now free resort.

6. From what I have seen of the Forest Conservancy, I do not think it works well. There is nothing definite about it. The collections of seigniorage are oppressive and uncertain. Practically in some places it is a dead letter, while in others it is made use of for purposes of extortion

7. I am of opinion that, as regards this district at all events, the people are too poor and ignorant to enable such an Act as this to be introduced among them without causing much loss and trouble to the village communities. The only Forest Regulations applicable to this district would, I think, be such that would enable the Revenue Officers of the division with the aid of the present Forest Establishment to carry out certain mild regulations such as the collection of the rates, issuing of licenses, etc. The Act should provide for the punishment of certain offences, such as the wilful setting fire to the jungle and taking timber without license. At present all this is indefinite, sometimes the offender is punished under the Penal Code for theft and sometimes his goods are confiscated. Under the present system, moreover, if a man wants a license to cut timber for his house, he has to go all the way to the Tahsildar to procure a license. This is very hard.

8. On the whole, I am of opinion that we do want an Act regulating forests, but I think the draft Act is not the sort of Act we want in this district at least. It is too much advanced for us.

(True Copy.)

(Signed) T. A. N. CHASE,
Collector.

1321/102

From J. A. C. BOSWELL, Esq., Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated 28th April 1871, No. 1,268.

I HAVE the honour to reply to the Board's Proceedings, dated 21st March 1871, No. 1,224, forwarding, for the opinion of Collectors, a Draft Bill for the management and preservation of Forests.

2. As regards this Presidency, the Bill is simply permissive and may be extended to this portion of the Empire by a notification of the Governor in Council; but it appears to me that all or most of the powers conferred by the Bill have been already exercised by the Local Government in the orders issued from time to time for the management and conservancy of Forests. If this has been done without a legal enactment, I presume the circumstances of this Presidency differ from those of other parts of India. The extension of this Act, however, to Madras even if unnecessary in some respects, may tend to give exactness and precision to the system of Forest Administration adopted, and in this way prove useful.

3. With regard to the special circumstances of the Kistna District, there are at present no forests. A new scheme of Jungle Conservancy has just been introduced including the taking up of large tracts of brushwood to be strictly conserved as fuel reserves, the communal rights of each village to cut firewood in the jungle within its limits is recognized, and permission given to the villages which have no jungles to cut in jungles adjoining. The chief fuel reserves of the district are the Mangrove swamps along the coast (Mada Chettu.)

4. As all waste lands are at the disposal of Government, there is no difficulty in reserving the extent required and in taking up fresh land for plantations.

5. I am endeavouring to persuade the Zemindars within whose estates there is much valuable jungle, to take systematic means for the conservancy of their woods where hitherto there has been much waste and reckless felling.

Hxd. T. Cartledge.

1321/103

From G. VANSAGNEW, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 29th May 1871, No. 981.

ADVERTING to the Proceedings of the Board, dated 21st March 1871, No. 1,224, I have the honour to state my opinion that the Forest Bill in question is an admirable one, and, if passed into law, would be exactly what we have for so long been in want of.

2. The utter illegality—the scandal—of our Forest Conservancy Administration has always sorely oppressed me, and the Board may remember that I recorded a strong protest against it in letters printed in their Proceedings of 17th March 1869, No. 1,843. I consider it due to the credit of the administration that this Bill, or some Bill akin to it, and which as fully recognizes all forest rights other than those of the State, should speedily be made law. I know nothing which has created so generally unfavourable an impression regarding the justice of our administration as our arbitrary usurpation of the power to exercise exclusive rights over almost all forests indiscriminately, and the daily dragging before our Criminal Courts on charges of theft of persons who have done nothing but what they and their ancestors had until comparatively recently been permitted to do without let or hindrance, and what they might in reason and equity well believe they had a right to continue to do. Our frequently ignorant and subservient Sub-Magistrates have practically accepted the usurpation of the Government as their interpretation of the law, and regardless of all *bona fide* claims of right, have almost invariably convicted of Criminal offences persons who, but for their ignorance and defencelessness, could easily have shown their innocence of any offence defined by the Penal Code.

3. The passing of a Bill like this, which in its terms affords the strongest possible condemnation of our administrative action of the past fourteen years, would put an end to a very discreditable state of things, and tend greatly to improve the relations between the rulers and the ruled in the provinces.

4. Its introduction in other districts, where no sort of recognition of the old rights of the public has been hitherto made, would be considerably more of a boon than in Nellore, where in our extensive system of reserved jungles the people's rights have received consideration. Our reserves to all intents and purposes sufficiently demarcated, and they have been dealt with practically as demarcated forests of the 2nd class, according to the Bill, and in the spirit of the provisions laid down for the treatment of forests of that class. The wants of the people in respect to firewood, wood for agricultural implements, and pasturage have all been carefully attended to; and the arrangements already made are immediately subjected to further scrutiny on complaint being received against them from any village, and, if necessary, modified so as to remove all just ground of dissatisfaction.

5. When the system was first inaugurated, it appears to me that generally the subordinate officers whose aid was called in, ran away with the idea that every other consideration should bow to that of making the reserves as extensive as possible, and that afterwards a purely departmental feeling prevailed in the special wood establishment that was created, which circumstances prevented sufficient consideration being paid to the wants of the people. I have therefore made it my business to impress upon the Tahsildars and Wood Overseers the principle that the question of the extent of our reserves must be held to be secondary to that of satisfying the immediate just requirements of the people in the first instance. Arrangements have been revised on this principle here and there and will continue to be so wherever real grievances are discovered, and on the whole I think that the system in this district works very fairly and will in the end prove beneficial to the village communities. In the course of a few years, when the reserves are so far grown that the trees cannot be materially injured by cattle, a good deal more pasture land will be available than is so at present, and this is the point on which the restrictions are most felt by the people.

6. I invited my experienced Treasury Deputy-Collector to give his opinion on the subject, and I beg to enclose a memorandum with which he favoured me. I have not received any other opinions worth submitting.

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ENCLOSURE No. 1.

Memorandum on the Forest Bill.

THE provisions of the Bill are fair and protective so far as development of theory is concerned. Its practical value cannot, however, be perceived in the present state, as it is silent as to the definite way the communitic rights in forest usufruct are proposed to be conserved and cherished.

2. The portions of the Bill which relate to the awarding of compensations, are vague. The compensations may be in the shape of setting apart a limited jungle or a portion of it for the free use of the people, or in the entire abrogation of all existing rights by nominal payment. If the latter, the fact would turn out that the people are actually deprived of their immemorial rights and nothing would compensate them for the loss, though some individuals may be enriched by the payment of compensation.

3. There were originally no Government forests in this country. Forests have been always of natural growth here; and so they have been enjoyed by the people. Certain abuses of the right called for Government interference to protect forest, in view to keep up a reserve of fuel and timber and a system of seigniorage rates has been gradually introduced, so much so, that in most places the people's rights have been practically largely annihilated. Under these circumstances, what would be most desirable is a plan for restoring to the people their accustomed rights.

4. Though this country is naturally rich in forest the enormous increase of late in population and the new civilized uses to which fuel and timber have been put in the working of new appliances, have created to some extent a comparative artificial want of forest products, and this is no doubt a good ground for a project of conserving and reserving jungles; but the labouring poor and the cattle of the country have all along lived on jungles, and it is the preservation of their interests that requires an adequate consideration in legislating on the matter. Dismantled forests may be recovered, new ones planted, and exhausted ones abandoned; but none of these steps could extinguish, for a payment or not, the long enjoyed prescriptive rights of the people. This opinion is sufficiently strongly expressed in paragraph 3 of Government Order, dated 7th April 1871, No. 681, and I cannot do better than quoting the words of Government:—"The Government "may define and regulate, but they cannot disregard and ignore the communal and immemorial "rights of the villagers throughout the country." Demarcation should not have the effect of setting aside such sacred enjoyments, though it may be used to better regulate the exercise of village rights and prevent abuses.

5. All forests should certainly be placed under professional officers, learned and practised in forestry. Our Jungle Conservancy establishments, as I have known from their working in this district and in North Arcot, particularly in the Chendragiri side, have, in my opinion, done more harm than good to the prescriptive rights of the people as well as of their cattle. The Revenue Jungle Conservancy Officers can do no better, not knowing a word professionally of forestry, than exercise a most unpopular control in driving away cattle that may very profitably graze in them and the men who may have very many things to do with the forest. It is more the present rules that have constituted them what they are. Ignorant of their professional work and entrusted with certain preventive duties.

6. Cattle, it might be argued, destroy the jungle, but it has been the established experience of India that less harm is done to the trees by the way of eating foliage than good by supplying manure. Goats and sheep do more harm certainly, but the other descriptions of cattle, particularly cows and bullocks, generally mind their own grass. Deer and antelopes and a large variety of other beasts which may do as much harm as the domestic animals will have their own privileges still, because they are not under man. Of course special rich timber forests, such as sandal-wood or teak, may be protected by prohibiting the cattle from entering them.

7. All jungles may be distinguished into timber forests and fuel jungles. These may be left to the care of the people and free to the poor who live on supplying the country with fuel and other products, as well as to the cattle which naturally look to jungles as their feeding homes.

8. With these objects kept in view, I think the Act will provide for effectual organization of forests.

9. The greatest evil in the present working of forests and jungles is the amount of fraud practiced by passing unlimited quantities of timber under a single license during the limited period. When employed in the North Arcot District, I sat as Magistrate over cases of such fraud and punished the offenders. The details elicited were shameful, the forest servants themselves purposely omitting to check off the bandy-loads carried each time. The Government seem to have discovered the fraudulent character of the license and voucher system now in vogue in all forests.

10. The timber forests do require a system of some sort of payments to keep up its growth and plenty. The immunity claimed is regarding the fuel and light timber jungles. A cess for certain quantities as cooly load or bullock load is very extremely oppressive, and what the poor man would like cheerfully to do for the privilege is to plant a tree or pour water from an adjacent reservoir pointed out. Each person being employed for two or three hours each time he happens to come to the jungle. Under good rules this may be very well exacted from them and the jungles would receive direct benefit.

11. I have got no remark to offer to the other points noticed in the Bill.

NELLORE,
8th May 1871.

(Signed) A. NARAIN ROW,
Deputy-Collector.

(True Copy.)

(Signed) G. VANSAGNEW,
Collector.

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From J. H. MASTER, Esq., Acting Collector of Bellary, to the Acting Secretary to the Board of Revenue, dated 4th July 1871, No. 265.

I HAVE the honour to acknowledge the Proceedings of the Board, No. 1,224, dated 21st March, calling for a report upon the Draft Forest Bill. I regret that the answer should have been so long delayed, for, in this district, having no forests, we have no personal knowledge of the system of conservancy, nor have I myself had the opportunity of observing its effects in any other district.

2. The report of the Deputy-Collector on General Duties has only just been received: as he enters rather fully into the subject, I have the honour to submit, in original, his report, as also a letter received from the Sub-Collector. The Head Assistant Collector states that he has had no practical experience in the matter.

ENCLOSURE No. 1.

From W. S. FOSTER, Esq., Sub-Collector of Bellary, to the Acting Collector of Bellary, dated Canalapoor, 10th April 1871, No. 152.

In reply to your foot-note to the Board's Proceedings, No. 1,224, of March 21st, 1871, I have the honour to inform that I have carefully read through the Draft Forest Bill: the principle of the Bill is very good; but the details of the Bill are very objectionable. For instance, in Part VI, if the existence and nature of forest rights are to be settled, this is decided by a Commission appointed by Government alone: in some cases, Government is the owner of the land, and other people have some rights in the forest; in other cases this is reversed: but in all, Government and Government alone appoint the Commission. I think there should be no Commission, but the matter can be decided by the Civil Judge as in Section 35.

In Section 12, the Government has power to give the produce of the trees to any one for any purpose, whether Government is the owner of the trees or not. If a man has a right to cut a bamboo in a jungle, may he not sell the bamboo or give it away without the consent of the Conservator of Forests under Section 20? The latter part of this Section would defeat the former, if only a man wanting to sell has a friendly suit with another.

In many places the language is very vague, Sections 57 and 69 for instance—also Section 47, if any right is created, which cannot already be enforced by Section 431 of the Indian Penal Code; again by Section 51, it seems that the Conservator of Forests can give permission to do an act which is punishable under the Penal Code. I imagine something is intended which does not appear.

Section 52 seems useless, as the man keeping drift timber might be charged with criminal misappropriation of property.

Timber is not defined, so that Section 53 would be a powerful means of oppression in the hands of Forest Officers.

Section 59 is useless, for the District Magistrate is quite able to establish pounds.

You will also observe that a Forest Officer under Section 64 can arrest without warrant; under Section 67, the Magistrate can only issue a summons; a Police officer would seem to be capable of doing nothing.

The Criminal Procedure Code already provides for Section 74; the same Code gives Government the power of pardoning offenders, but does not give it the power of hearing appeals from magisterial officers; but Section 71 does give this, and I think it decidedly objectionable. Appeals should only lie to the ordinary appellate authority: Government should only pardon. The language of the Act is not very good—"A Forest or other Officer" I do not like. Fancy talking of a horse or other fly, or calling a tiger a man or other eater.

Enclosure No. 1.

From V. VENKATACHELLUM PUNTULU, Deputy-Collector, to the Acting Collector of Bellary, dated Havinhadgali, 27th June 1871, No. 186.

I have the honour to acknowledge the receipt of your memorandum appended to the Board's Proceedings, dated 21st March 1871, requiring my report on the provisions of the Forest Bill.

2. As this is called Forest Act, and as there are no forests in the Bellary Zillah, it appears at first that this Act will not apply to this zillah: but by the definition of the word forest it is plain that this Act may be made applicable to any village which has some land covered with trees, brushwood, grass, and some waste or cultivated land, roads, streams. Paragraph 19 of the Memorandum which accompanied this Bill mentions the formation of village forests.

Section VI.
Forest shall mean any tract of country covered with trees, brushwood, and grass, and shall include such waste or cultivated lands, roads, streams, and other waters as may be situated within such tract.

3. It appears to me that this Bill was prepared for the sole purpose of the Government acquiring rights in forests other than Government ones, and of enlarging the powers of Forest officers without regard to the rights of others.

4. Act VII. of 1865 was the first enactment regarding forests. The same was intended for the management of Government forests. This Bill extends these provisions to all forests (private forests or to forest lands in the occupancy of community) to which Act VII. of 1865 was not deemed applicable up to this time.

5. I doubt whether it will be just for the Government to enforce such right in the private forest in which other persons have rights, while they (Government) are treating the rights of their property more liberally and on just grounds.

6. In the case of valuable Inam villages and other Inams the Government declared that land which is proved to have been held uninterruptedly as Inam for fifty years will be treated as Inam whatever may have been its origin.

7. As it is a known fact that all the jungles in this part of the country are the common property of the people, and that the poor persons who live near them enjoy their produce from immemorial time, I think it will not be just to deny them the indulgence shown to Inamdars.

8. Section 7, Regulation XXXI. of 1802, enacted that persons holding exempted lands (Inams) shall not be liable to be ejected except by a decree of a Court of Judicature.

9. Now, if the Government propose to sue the persons who have rights in the forests, their claim is barred under the Limitation Act, as the persons have been enjoying their rights from immemorial time.

10. It is not stated whether this Act is applicable to the forests which are in the Zemindaries, and whether they are exempted from Forest Officers. If it be applicable to them, it is a question whether it is against their permanent cowle.

11. The provisions of this Bill infringe the rights of poor people who live by daily labour (cutting wood, catching fish and eggs of birds) and whose feelings cannot be known to those whose opinions will be required on this Bill and who cannot assert their claims, like influential class, who can assert their claims in all ways open to them and spread agitation in the newspapers. I submit that there are several provisions in this Act which are quite opposite to the rules in force regarding the property of influential subjects under Government.

12. I beg to quote some instances. Section 52 enacts that no person who shall have saved any drift timber shall be entitled to keep the same.

13. It is a known fact that several poor persons swim across the river when it is overflowing at the risk of their lives and collect wood that come adrift upon it and appropriate it for their own use. By this Section 52 they will be dispossessed of it, and something in the shape of salvage will be given to them, while a finder of hidden treasure may take for himself one lac of Rupees and give the same only to Government under Section 7, Regulation XI. of 1832.

14. By Section 52, a person who caught a wood at the risk of his life, is denied the privilege of a person finding a hidden treasure without any risk or trouble.

Board's Proceedings, 21st March 1863, page 309.
There can be no question that all land-holders in India can dispose of at their pleasure of the timber on their land unless a special reservation to the contrary be one of the conditions of the tenure.

15. Section 26 enacts that forest rights in any demarcated forests whether vested in communities or other persons shall not be alienated by sale, lease, or mortgage except with the permission in writing of the Conservator of Forests.

16. I think this is quite opposite to Section 8, Regulation XXV. of 1802, which declares that Zemindars or proprietors of land shall be at liberty to transfer, without the previous sanction of Government or of any other authority, to whomsoever they think proper, by sale, gift, or otherwise, their proprietary right in their Zemindaries.

17. While Inamdars are at liberty to sell their Inams without the sanction of Collector, it will be an anomaly to restrict the forest rights to the holders.

18. I beg to submit my humble opinion on the Sections of the Bill.

19. In the Preamble it is stated "for the better management and preservation of forests and lands." It is not plain why the word land is entered here. If it be intended to the lands adjacent to the forest, it should be plainly stated so, because there are separate rules and regulations for the preservation and management of other lands.

20. *Sections* 18 *to* 23.—Although the Government have not asserted their rights since more than sixty years, still they now demarcate forests, and call upon people to establish their forest rights within three years.

21. It is a known fact that forests are not being enjoyed like other lands from generation to generation of one family; forests are enjoyed by the community at large. If the persons near the forest omit to establish their claims or amicably settle their case, I submit whether it will be just to deny the claims of the community at large.

22. *Section* 24 empowers Conservator of Forests to close portions of any demarcated forests. This will be great inconvenience for the owners of private forests.

Section 24.—Conservator may close forests.
Section 25.—No person shall cut or collect any timber, wood or grass, etc.
Section 26.—No sale, lease, etc., to take place without the permission of the Conservator.

23. *Section* 27 enacts that no person shall be entitled to compensation on account of anything done or prohibited to be done in pursuance of Sections 24, 25, and 26.

24. While it is the uniform practice of the Government to offer compensation to every party, whenever he is prevented by an Act of Government from exercising his rights over his property, it is unjust to deny compensation to persons who may be prevented from exercising their rights.

25. Even the Act which is passed lately (Section 6, Act VI. of 1871, to which the Governor-General gave his assent on 19th May 1871,) allows compensation for closing salt pans. If this Section be retained denying compensation for the prevention of private rights, the Forest officers may be vested with full powers of Magistrate and be declared not amenable to Civil Court for acts done by them.

26. *Section* 32 enacts that, if the proposals of the Conservator are not agreed to, the Conservator shall refer the matter to the decision of a Commission. If the Conservator finds the amount of compensation awarded by the Commission to be high, he is empowered to decline to give the compensation awarded as aforesaid, and in such case the person entitled to such forest rights shall continue to enjoy the same rights without such regulation or abridgement.

27. The matter will stand thus:—Conservator awards a compensation of 100 Rupees. If Commission awards amount below his decision, he will readily compel the man to abide by the decision of the appellate authority. If the Commission awards anything more than what he did, he is empowered to annul it by not giving effect and tell the man to be in his position, leaving him to suffer for the costs and loss of time incurred by him.

28. I need not say anything about the hardships to which persons would be subject under this rule.

29. *Section* 33.—The President of the Commission to be the Civil Judge of the district, or a Judicial officer of not less than five years' standing.

30. *Section* 38 authorizes the preparing of rules to prohibit the collecting and removing of leaves, fruits, grass, resin, wax, honey, horns, skins, hides, stones, lime, or any other produce of such forests, and to prohibit persons from fishing and collecting eggs. By this provision, the poorest men who live by fetching and selling fruits, grass, fish, eggs, and other trifling articles will lose their bread. Up to this time stones were free, but this prohibits the taking of stones also.

Board's Proceedings, dated 8th May 1860, page 156.
The Board fear that the steps taken to introduce the new Conservancy Rules into South Arcot have led to much oppression and distress.
Board's Proceedings, dated 24th November 1862.
To Kistna District.
The Collector will maintain petitioners (fishermen) in the enjoyment of their immemorial rights.

31. *Section* 42.—This empowers the Government to place a forest which is in the enjoyment of private persons under the charge of a forest officer; while the Government has no authority under the existing rules to dispossess a Zemindar as long as he is paying his assessment.

32. *Sections* 45 *and* 46.—In cases where the Government directed the possession of a forest to be taken, these Sections authorise Conservator to propose to Government (without asking the owners of forests) the amount of compensation to be given to the owners; after the Government approved them, they will be communicated to the parties. If the owners agree, or if any mutual agreement can be made, the compensation will be given accordingly. If they do not agree the matter will be referred to the Commission, who should determine the compensation to be given. If the Conservator do not agree to give the amount fixed by the Commission, the forest may be left in the occupancy of the owner.

33. The remarks submitted as regards Section 32 are applicable to this.

34. *Section* 48.—This authorizes the levying of duty on timber or other forest produce. Under this, timber, honey, resin, fish, and other articles which poor people go and collect in jungles for their daily food at much risk, are liable to duty, while Act VI. of 1844 abolished inland duties upon all articles which are valuable than the forest produce. The Government declared that they will not demand any additional cess from ryots who may take advantage of the natural pools and jungle-streams in the improvement of which the Government have had no concern and incurred no expense. If a duty be levied from persons collecting honey, resin, eggs of birds, etc., forest produce, the people will not be able to understand the policy of Government.

35. C. 2, Section 49, authorizes to fix a rate to be paid for timber not removed within the time fixed for its removal.

36. Such rule might be necessary for things left near Sea Custom Offices, as the buildings near them were built at a cost of much money.

There is no such ground to levy any rate for timber left near the Custom Houses in forests, and such rule, which is intended to raise some money on that ground, appears to be ungrounded.

37. *Section* 50 requires all devices used as property marks on wood or timber or implements for affixing the same to be registered and to determine the office in which they shall be registered and to levy fees for such registration.

38. If the devices used for marking wood be necessary to be registered, the same rule should be made applicable for all implements with which brass and copper utensils of the rich natives are being marked.

39. If any fees for any purpose is to be levied under this Act, I submit that the same may be fixed by this Act, as it is done in the case of registration of documents, and the grounds on which the application of a Local Government to leave to them the authority to fix the amount of fees for registering documents was refused, equally apply to this.

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40. *Section* 53.—By this provision all unmarked wood or timber is deemed to be the property of Government until any person proves his right to it. Forest officers are authorized to collect and bring such wood to timber depôt. This will enable forest officers to collect every wood which may be in the possession of any persons and take it to the depôt, leaving them to substantiate their rights. It is unnecessary for me to represent the annoyance and extortions to which people would be subject under this provision.

41. *Section* 54.—It is left to the discretion of the Forest Officer to decide claims to the wood or timber brought to the depôt, as drift or unclaimed (under Section 53), or to refer the party to the Civil Court.

42. When it is enacted that all unmarked wood is to be deemed the property of Government, and that the person who saved a drift-wood (unclaimed one) has no right to it, there is no necessity of referring the party to Civil Court; it will cause him unnecessary expense.

43. *Section* 58 empowers Police Officer and Forest Officer to seize and detain any cattle found straying or trespassing or doing damage to any forest. The words straying and trespassing may be taken out, as the provision to detain the cattle doing damage is quite sufficient. If the words straying and trespassing be retained, it will empower Police and Forest Officers to seize every animal that may pass through the forest at their will, and thus cause annoyance and extortion.

44. *Section* 60 empowers Local Government to prescribe penalties for offences against any provisions of this Act or for any rule or for any omission contrary to this Act. The penalty is 500 Rupees fine or six months' imprisonment.

45. As Section 57 declared that it is the duty of all community or other persons who have forest rights, and of all persons who may have leased the right of cutting timber and other forest produce or of pasturing cattle, to assist in the preventing of occurrency of fire in the forests, and it is declared that it is their duty to prevent the commission of any offence under this Act.

If a fire or theft occurs in a forest, persons who have taken lease of some produce of the forest will be liable for trial of an offence punishable with six months' imprisonment and 500 Rupees fine.

46. *Section* 63.—If this Section is intended for departmental offences, there is no necessity of this being entered in this Bill. If it be intended to apply to cases of complaints preferred by persons against them, the offences which they are empowered to try are to be defined.

47. *Section* 65.—This authorizes the Forest Officer to arrest any person who may infringe the provisions of this Act and the rules that may be passed. Any man who may put his foot into the limits of a forest may be arrested under some pretence or other; therefore the offences for which a Forest Officer may arrest should be defined leaving him to apply for a summons or warrant for other offences.

48. In cases he may arrest he should be required to send the arrested man within twenty-four hours to the nearest Magistrate like the Police Officers under risk of great penalty.

C. 142, C. F. C.

Ed. T. Cartledge.

1371/108

From C. G. MASTER, Esq., Collector of Cuddapah, to the Acting Secretary to the Board of Revenue, dated Madanapally, 26th May 1871, No. 111.

I HAVE the honour to submit the following observations on the draft Forest Bill, with reference to Board's Proceedings, dated 21st March 1871, No. 1,224.

2. PART II., *Section* 7.—The forests in this district are limited to those of the second class. There are none in which the proprietary right of Government is absolute, nor any belonging to village or other communities, public institutions, private individuals, or other persons. In all existing jungles the right of Government to certain kinds of wood and to all large timber is clearly recognized by the people, who on their part have certain communal rights never very clearly defined, but which have existed from time immemorial.

3. *Section* 8.—The control and management which should be exercised, if real conservancy is the object, must be real and not nominal as it is at present. There can be no doubt that it is desirable to check the denudation which is now going on almost without check, but it is difficult to see how the expenditure entailed by close conservancy can be met. The jungles being so scattered and extensive would require an immense establishment to supervise them properly, and for years to come there could be no income to meet the enhanced expenditure.

4. PART III., *Section* 11.—The demarcation has, to a very limited extent, been carried out in a portion of the district. It is an essential preliminary to the working of the department. It has been usual to explain to the villagers interested that plenty of jungle is still left them for grazing and other purposes, and they have generally acquiesced and have waived their rights in the plots so defined. In some cases money compensation has been given to individuals. If the operations of the department, however, take a wider scope the question of communal rights will not be so easily disposed of.

5. PART IV., *Section* 18.—It is not said what course will be followed if no claims are brought forward. I think it would be preferable to ascertain and define these rights without waiting for a formal claim to be made. In making the inquiry I am of opinion that the local Revenue Officer should be associated with the Conservator or his Assistant. The latter officer would indeed find it almost impossible to conduct the investigation without some such assistance, and the ignorant villagers would have more chance of a fair hearing. Without imputing intentional injustice to the officers of the Forest Department it is obvious, so far as my experience goes, that they have a natural bias which would lead them to look with disfavour on anything tending to hinder the working of their special department. Constant references to a Commission, such as is proposed to be appointed under Section 33, would be undesirable, and the quickest and easiest method is to get such matters settled on the spot.

6. *Section* 24.—The object of the Act would, I think, be better attained by marking off and closing permanently, instead of temporarily, those portions of forest which Government wish to take under their control. More real good would be done by appropriating exclusively the area required than by attempting a more or less loose supervision over extensive tracts where it would be difficult to prevent irregularities, and where the exercise of their undoubted rights would often bring the people in disagreeable contact with the forest underlings, besides tending to fraud and corruption.

7. It would, in my opinion, be desirable that opposing interests should clash as little as possible. Besides this the limitation of the area to be conserved would give a greater chance of conservation being a reality. An establishment which could be concentrated might really look after, and prevent encroachments on a moderately sized tract, whereas under the existing system it is practically useless. The consumption which is now going on will, in the course of time, make our jungles bare, and no better system could be devised than one which would altogether prevent felling, unless under departmental supervision, in specified localities.

8. Such an arrangement, moreover, might render it easier to put a stop to the fires which annually devastate our hills to the manifest injury of the larger trees, and the complete destruction of the under-wood. They are generally kindled on purpose, as the grass is supposed to be improved by the process. To obtain a questionable advantage much damage is thus done to the forests.

9. PART V.—These evils could the more easily be obviated, because the draft Bill provides for the commutation or extinction of forest rights where desirable. Here again, I think, that the Revenue Department should have a voice in the proposals to be made under Section 36, and that the parties interested should notify their assent or dissent before, not after, the statement is submitted (Section 21) to the local Government.

10. PART VII.—There can be no question of the necessity of framing rules which shall have the force of law, and which will do away with the uncertainty which at present exists as to the liability of the public to prosecution for acts which they look upon as lawful, but which the Forest Department regard as either theft or mischief.

11. PART VIII.—This portion of the Bill has no application in Cuddapah.

12. PART X., *Section* 57.—An omission to perform any of the duties here described will, it is presumed, render the individual or community liable to the penalties described in Section 60, PART XI. I cannot but think that the provisions of Section 67 may lead to much hardship. The Magistracy will be able doubtless to discriminate in the cases brought before them as to the liability of persons charged with offences, but this will not prevent threats being held out to the more ignorant of the people whose course of life takes them into the jungles; and the law, if passed as it stands, may prove in this respect an instrument of extortion. The powers given to Forest Officers by Section 64 seem also unnecessarily large.

13. I enclose copy of the remarks made on this Bill by the Acting Sub-Collector.

ENCLOSURE No. 1.

From E. STOKES, Esq., Acting Sub-Collector, to the Collector of Cuddapah, dated Madanapally, 14th April 1871, No. 162.

I HAVE the honour to reply to your foot-note No. 253, of 31st March 1871, on Board's Proceedings, No. 1,224, of 21st March 1871.

2. There are no forests in this district in which the proprietary right of Government is absolute, nor, so far as I am aware, are there any falling under the third class, (Section 7 of the Bill,) which are the property of the village communities or of private individuals.

3. In all the existing jungles, while the right of Government to certain kinds of wood and to all large timber is clearly recognized by the people, there are certain communal rights, the free exercise of which has been claimed by the villagers from time immemorial, and to which they undoubtedly have an indefeasible title.

4. The chief of these rights are the grazing of cattle, the cutting of firewood for domestic use, and the felling of small timber and bamboos for ordinary agricultural and building purposes.

5. So long as these rights are reserved to the agricultural classes, and for this provision is made in the draft Bill, I do not think that any question will be raised as to the exercise by Government of its claim to preserve certain kinds of timber and prevent indiscriminate felling.

6. I have no alterations to suggest in the draft Bill, and its conditions seem fair and equitable. It may be found possible to frame rules under Section 38 which will meet the circumstances of the district, though the task will be no easy one. The fact is that the majority of our jungles and forests will not pay the expense of close conservancy, and while it is extremely advisable to stop the rapid denudation now going on it is difficult to see how this can be done except at a cost incommensurate with the benefits to be obtained.

7. I think with one or two additions the Rules for Jungle Conservancy, now supposed to be in force, (Board's Standing Order, No. 86,) are sufficient for the protection of the forests, but practically these rules are found to be inoperative in many cases. A ryot goes to the jungle and wants some rafters for his house, or new stocks for his agricultural implements, and he naturally takes what is most suited to his needs without considering whether what he cuts is likely to become fine timber eventually, or whether it is a class of wood the felling of which has been prohibited. Without watchmen in the jungles, and there are no funds from which to pay them, it is practically impossible to prevent unlimited felling, and the village Reddies on whom is supposed to devolve the duty of conservation are often themselves the greatest offenders.

8. No attempts have as yet been made to conserve the jungles generally, although the fees on wood have been collected for years. A small portion of the forests are under the Forest Department, but they are very imperfectly conserved, owing mainly to the small establishments allowed. I believe it is considered not worthwhile to conserve the remainder.

9. One good that will result from the passing of the Bill will be that it will put an end to the uncertainty that now prevails as to the right of Government in the various forests, and questions that are now continually arising, as to whether ryots have exceeded their privileges and rendered themselves amenable to a criminal prosecution for theft or mischief, will be set at rest. The same difficulties of detection will, however, still exist, and I confess I am unable to see how they can be got over.

10. The yearly consumption of firewood and timber exceeds the yearly production, and the consequence is that the jungles are gradually disappearing. This has been especially the case in the eastern parts of the Sub-division since roads have been opened and facilities granted for carrying wood into the neighbouring districts where there are no jungles. No attempts have been made to re-place the annual waste, and it is more than doubtful if re-planting will repay its cost. The only method that appears feasible is to close certain portions of the jungles as provided in the Bill.

(True Copy.)

(Signed) G. MACKENZIE,
Asst. Collector for Collector.

137 / 709

1327/110

From W. M. CADELL, Esq., Officiating Collector of Tanjore, to the Acting Secretary to the Board of Revenue, dated Negapatam, 15th June 1871, No. 185.

With reference to the Board's Proceedings, dated 21st March last, No. 1,224, I have the honour to submit the following observations on the Draft Forest Bill therewith circulated.

2. The provisions of this Bill appear to me to be admirably adapted for the efficient conservancy of forests, while at the same time they do not contain any thing incompatible with the communal rights as they are recognized in this Presidency.

3. It, however, strikes me that the Bill totally ignores the agency of the District Revenue authorities in matters connected with the settlement of "Forest rights," and on which those authorities, from their position, must be the best available judges. The Act should, in my opinion, contain an express and positive provision that in the Madras Presidency the Collector of the district shall be an ex-officio member of the Commission contemplated in Part VI.

4. I presume Section 3 will be so modified as to empower the extension of the Act to such districts or tracts only of this Presidency as the local Government may deem fit. Otherwise, as the section referred to now stands, there will, it seems to me, be no alternative between applying the Act to the whole Presidency and not extending it to this Presidency at all; and the effect of the course first indicated would, under the definition of the term "Forest" as given in Section 6, be to bring the tracts under District Jungle Conservancy within the scope of the [illegible] since of the Draft Bill are certainly not so framed as to circumscribe or restrict existing rights, such as those which the Madras Jungle Conservancy rules recognize; but the jungles will then cease to be a source of income to Local Funds, available for local improvement—a result which is obviously undesirable.

From R. W. BARLOW, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 14th June 1871, No. 258.

With reference to the Proceedings of the Board of Revenue, No. 2,221, dated the 1st instant, and in reply to paragraph 2 of their Proceedings, No. 1,224, dated the 21st of March last, I have the honour to report that the Forest Conservancy Department has never worked in this district, as there are no forests or jungles that have been considered of sufficient importance to render the extension of its operations here necessary. The receipts from Jungle (Village) Conservancy even are, as the Board are aware, insignificant, and there is nothing approaching forest except on the limits of Sattiavade near the borders of the Kalastry Zemindary.

2. Such being the case, and as I have not been in a district where the Forest conservancy was working since early in 1867, (when I proceeded to Europe from North Arcot,) and then not as Head of the district except for a very short time, I refrain from giving any opinion on the Draft Bill forwarded with the Proceedings under reply.

1371/111

From J. D. ROBINSON, Esq., Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 19th May 1871, No. 285.

I have the honour to submit a Memorandum of remarks on the Draft Forest Act of 1870.

2. This Bill is very aggressive and threatens rights and privileges which may not be easily definable, but which are nevertheless valuable and dearly prized.

It entrusts the administration of the law to Forest Officers who can know nothing whatsoever of these delicate claims, and it would employ the same unskilled agency for the wholesale appropriation of forest tracts, and for buying out and extinguishing the intricate communal rights thereto pertaining. Now there is not in the whole district a single strip of jungle in which the people have not such communal privileges, and in which the Government can fairly claim more than seigneurial rights.

3. As the material prosperity of the district advances these communal rights acquire a greatly increased value. These communal rights have been recognized (though not so fully as ought to have been) and exercised from time immemorial, and the present generation have no power, even if fully indemnified, to cede privileges which they should transmit as they received them to their posterity.

4. In a dry open country like that of North Arcot any measure which circumscribes the right of pasturage must tell mischievously on the interests of husbandry, and very seriously affect the comfort and welfare of the people. The more populous and highly cultivated parts of the district have always exercised the right of pasturing their cattle in the border forests and hill slopes at certain seasons when fodder fails nearer home. Agricultural enterprize has not yet turned itself to the production of green meat for cattle.

Cut off from the immemorial pasture grounds the farm stock of those very parts of the country, where it is most valuable and indispensable, must degenerate and decrease.

5. The first question has always had much interest for me, and I am satisfied that any measure which would departmentalise the jungles in this district would be impolitic and cruel in its operation.

Already since my return I have received several most restrictive propositions from the local Forest Officers. Among others is a proposition that all the small produce of the jungles should be declared a Government monopoly, and that the wretched Yanadi who makes a precarious livelihood thereby, which keeps him from violent crime, is to dispose of the hard gotten fruits of his industry at such places and times as may be convenient to the Forest Officers. This is the last straw which breaks the camel's back. The people have, I know well, been watching in silent dismay our gradual encroachments on old cherished privileges, and it is no justification that because they have let us in sullen silence get in the thin end of the wedge we may therefore drive it home. Entertaining these hostile views I have abstained from any lengthy criticism of a Bill which, in my humble opinion, is bad both in principle and in its *modus operandi*.

All that I have said here has been said before, as the Board will find if they refer to the correspondence noted in the margin.

To Board, 5th November 1869, No. 842, to Board's Proceedings, 8th January 1870, No. 143.

6. However Government may find it advisable to decide in respect to the larger and more valuable forest tracts of the Presidency, I trust it will deprecate the introduction of this Act, or of any measure having for its object the departmentalization of jungle into this or any other of the poorer and more straggling districts.

7. If the experiment *must* be made the operation of the new Act should be confined absolutely to the hill ranges south of the Palar already under management of the Forest establishment. If it is thought desirable that reserves should be formed in the larger jungles in the Chendragherry, Godiattum and Palmanair Talooks, the preliminary arrangements and subsequent management and control should be left entirely in the hands of the Collector.

8. The Sub-Collector's report on the subject is enclosed.

1371
112

Enclosure No. 1.

Memorandum on Forest Act.

Part I., *Forest rights.*—Government has no proprietary right in the jungles of this district. Seigneurial rights it has, but these co-exist with communal privileges, which have been recognized and exercised by the people from time immemorial. Government has thus no title to the exclusive exercise of any of the forest rights described in Section 6 of this part.

Part II.—There are thus no forests in the district which pertain to the first class, neither are there any forests which would properly come under the second class, as I understand the definition. All the forest tracts of this district appear to me to come under the third class; the difference between the two definitions being, as I interpret them, that in forests of the second class the Government rights are the stronger, whilst in those of the third class the communal and private rights are the strongest.

Part II., *Sections* 8, 9, *and* 10 create Forest Officers. The intention of these sections is to create a special department; but the latter part of Sections 8 and 9 would give the local Government discretion to select officers from the Revenue establishment for the post.

Part III. lays down rules for demarcation of first and second class forests, the measures to be adopted, and particular agency to be employed in the adjustment of boundary disputes. As already observed we have neither of these two classes of forests in this district as I read the definitions. But the system would not work as here sketched. Mr. Whiteside has left the following pencil notes in the office copy of the Bill which explain the difficulty:—

"I do not think it is a good plan to refer the matter, in the first instance, to the Conservator "of Forests. These disputes very often involve claims to very large extent of land and valuable "Forest, and the claims of the disputants are supported by masses of records of various kinds, "some of them very valuable. If every dispute of the kind is referred to the Conservator of "Forests in the first instance he, in order to get at the facts and so put himself in a position to "adjust the disputes by agreement, will have to call for large bundles of records from the District "Revenue offices, and the other parties concerned. This will entail a great deal of correspon- "dence, and the constant transmission of important documents by post, the loss of which would "entail heavy pecuniary loss, or much inconvenience on the owners. It would be better that the "Collector, in communication with the Conservator of Forests, should be selected as the officer best "qualified to settle such disputes. He being on the spot can refer with ease the available "documents, and his position and opinion will have infinitely greater weight in inducing the "parties to come to an amicable agreement. Not that such a settlement of disputes of this kind "can ever be expected."

Section 17.—"By two or more Forest Officers specially, etc." This is handing the sheep over to the wolves to be divided with a vengeance.

But even if, for the protection of communal rights, the Commission as constituted and empowered by Part VI. were selected from the Revenue Officers—the only agency competent to adjudicate on this delicate class of claims—the system would work no better. There would be created the *imperium in imperio*, the two departments, special and revenue, would speedily clash, and the machinery finally cease to work.

Part IV. treats of forest rights in demarcated forests. On this part of the subject I have only to remark that if Government does determine to have certain reserves set apart from general jungle tracts some such restrictive provision would become necessary, but then the claims which would arise must in mere justice be adjusted by the Revenue authorities. Until these were settled to the satisfaction of the claimants any action under Sections 23, 24, 25, and 26 would be arbitrary and illegal.

Part V. prescribes rules for regulation, commutation, and extinction of forest rights. If the claims which arise under this part are to be dealt with liberally as they should be, where the people are put on the defensive by the act of the Government, the compensation to be awarded will be very large and difficult to adjust; nor will it, when adjusted, find its way in a fair proportion to the needier sections of the village community whose rights are thus to be brought up and extinguished.

Part VI.—The only observation I have to offer is, that unless the Commission therein constituted is selected from the Revenue establishment the rights of the people will be in great jeopardy.

Part VII. describes generally the matters upon which Forest rules should be made under the Act. Some of these would only re-enact existing rules, and in the event of timber and fuel reserves being formed some such rules would no doubt have to be enforced. But if a more general introduction of the Act is contemplated then I have no hesitation in saying that there are restrictions here which would very seriously affect the welfare and comfort of the people, give fresh activity to crime, and gravely disturb the agricultural and other industries of the district. I cannot conceive on what principle it is proposed, as in Section 4 of this part, that the conservancy of fish is to be associated with Forest management. Here again we see another set of delicate rights abandoned to the tender mercies of a department which cannot possibly have any aptitude for the duty.

(Signed) J. D. ROBINSON,
Collector.

Enclosure No. 2.

From W. WILSON, Esq., Acting Sub-Collector, to the Acting Collector of North Arcot, dated Melmah, 12th April 1871, No. 241.

In reply to your endorsement, dated 31st ultimo, on Proceedings of the Board, No. 1,224, dated 21st ultimo, with which was circulated a Draft Bill of the Government of India for the Regulation of Forests, I have the honour to inform you that the Bill seems, in my opinion, to be in every way well calculated to meet the objects it has in view. The communal rights of the agricultural population are carefully guarded or compensated for when, for the public weal, it is found necessary to curtail or altogether extinguish them. I would suggest that the compensation provided for in Chapters 5 and 8 be declared to have retrospective effect to those cases in which, under the old administration of the Forest department, communal rights have been extinguished without compensation and almost without notice. I refer especially to those Railway fuel reserves in which the hitherto recognized rights of the ryots to fuel for domestic purposes, to timber, bamboos and grass for building purposes, to cattle pasturage, to timber for agricultural implements, to the leaves, loppings, and in some cases fruit of the forests, has been all at once and but recently extinguished without, so far as I am aware, being in any way compensated for. Several petitions addressed by the villagers concerned to the Board were, you will remember, only very lately forwarded for disposal locally. I could only inform the petitioners that the jungles in which they had from time immemorial exercised the privileges they claimed were now reserved and not open any longer to the exercise of their customary rights. These cases ought to receive consideration with a view to compensation.

2. For the exercise of the control provided for by Chapter 9 it would seem necessary, so far as Zemindaries, Jaghires, Polliems, and the like are concerned, that the tracts comprising the forests should be defined; it would hardly do to declare generally that the forest was co-extensive with the Zemindary, etc. A "Forest" is, by the definition of the Bill, a "tract of country covered "with trees, brushwood or grass, and shall include such waste or cultivated lands, roads, streams, "and other waters as may be situated within such tract." Jungle is here the predominant feature, but in most Zemindaries, etc., the "Forest" is an occasional incident. For the collections of the dues proposed to be levied under Chapter 9 it would be better, perhaps, to modify Section 48 thus—

"The Government of India may authorize the levying of duty on timber or other forest "produce brought from any forests or lands not under the immediate control of the Forest depart- "ment or imported from the dominions of Princes and States in India in alliance with Her "Majesty or other Foreign territory, etc."

3. The ending of Section 48 should be modified by inserting after the word "timber" the words or "other forest produce." Sections 36 and 37 I would amalgamate as follows :—

"No appeal shall lie from any decision or order of the Commissioner of the Court acting in "place of such Commission under Section 35, except as against decisions or orders touching the "matters described in Clauses 3 and 4 of Section 33; such appeal must be preferred within thirty "days, from and exclusive of the date of the decision or order appealed against, to such officer, "Board, or other authority as may from time to time be appointed by the local Government in "that behalf, and no such officer, etc., shall proceed to pass final orders upon the decision or "order appealed against till after the expiry of the period allowed for appeal. The order in "appeal may confirm, modify, or altogether reverse the decision or order appealed against, and "shall be final and have the force of law."

The figures of the Sections quoted in Sections 13, 27, 36, and 38 show that a section included in the original draft has been omitted or amalgamated with another. These figures will require correction.

(True Copy.)

(Signed) J. D. ROBINSON,
Collector.

From W. M. CADELL, Esq., Acting Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 20th May 1871, No. 145.

I HAVE the honour to reply to the Board's Proceedings of the 21st March last, No. 1,224, calling for my opinion on the Draft Forest Act therewith forwarded, with special reference as to what I may have seen of Forest conservancy, etc.

2. My experience of Forest conservancy is confined to the District of South Canara where the population is very sparse, and where, with the exception of those parties who have long exercised the prescriptive right of cutting and felling Kumeri, no practical difficulties have arisen in carrying out Forest rules.

3. As far as I have had time to form an opinion of the present Bill it seems to me that it all but ignores all other officers of Government except those of the Forest department, and the establishment of pounds under a special law and under a separate department, as also the conservancy of fish and game, and likewise the control of streams, seem to be duties which are altogether foreign to the duties of a department organized for the preservation and extension of forests.

1371
1/73

From J. H. GARSTIN, Esq., Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 25th May 1871, No. 159.

I HAVE the honour to acknowledge receipt of the Board's Official Memorandum, No. 664, of the 15th instant, calling attention to their Proceedings of the 2nd March 1871, No. 1,224, in which the opinion of all Collectors on the provisions of the draft Forest Bill, are requested to be submitted, and in reply to make the following observations—

2. I think it highly desirable that power should be conferred by Law on every local Government to make rules for the control, demarcation, and preservation of all State Forests, within its own jurisdiction, and for the preservation of fish and game of certain kinds in particular localities, but I doubt the advisability of compelling the Madras Government, if they wish to have a Forest Code, to adopt the law sketched out in this Bill, which appears to me to be needlessly stringent in some of its provisions. In fact, one of the main reasons for the introduction of the Bill given in the 5th paragraph of the Memorandum by Mr. D. Brandis, which accompanies it, viz., that "Act VII. of 1865, is incomplete in many respects, the most important being the absence of all "provisions regarding the definition, regulation, commutation, and extinction of customary forest "rights. The Act merely provides that the notification defining Government Forests shall not "abridge or affect any existing rights of individuals or communities," seems to me to be the strongest reason for condemning it. As, however, the extension of the Act, (should the Bill be passed into Law) to the Madras Presidency, is permissive, I am of opinion that it should not be so extended, but that if necessary, an Act should be passed by the Local Legislature, providing for the matters specified in the commencement of this paragraph.

3. The following, however, are the alterations which I would suggest in the Bill before it be passed into a Law affecting any part of India:—

In the Preamble—omit from "and lands wherein, etc.," down to "other matters" and insert the words "in British India."

For Section 2, read "Act VII. of 1865, shall be repealed in every Province in British "India to which this Act shall be extended."

For Section 4, add at the beginning "in every Province to which this Act shall be "extended," and omit at the end of the words "and consistently with this Act."

For Section 5, omit the words "in case such shall appear expedient." The Local Government are not likely to do what they deem inexpedient.

Section 6, for "grass" read "bamboos," and omit all the rest of the definition of forest.

Section 7, for the three definitions in this Section read the following:—

1st.—Forests the absolute property of Government, and in which the exercise of forest rights rests solely in Government.

2nd.—Forests the absolute property of Government, but in which the exercise of forest rights rests by prescription or otherwise in individuals or communities as well as in Government.

3rd.—Forests the absolute property of individuals or of village or other communities, public institutions, or religious establishments, but in which by prescription or otherwise certain forest rights vest in Government.

Section 10, for "with timber" read "in timber."

Section 11, for "by metes and bounds" read "by boundaries," and wherever else the expression may occur in the Bill.

Section 12, in line 4 omit the words "or third" and for "may assign all or any of the produce of such forest" read may "assign all or any of its forest rights in any such forests."

Section 13, for Sections 12 and 13 read Sections 11 and 12.

Section 18, for "no fresh forest rights whatsoever shall accrue or be acquired, in such forest," read "no person shall acquire any forest right therein."

Section 19, for Sections 12 and 13 read Sections 11 and 12.

Section 25, for "Having forest rights shall exercise the same within such portion, etc., to the end of the Section" read "Having forest rights therein shall exercise the same."

Section 26, insert "by gift" before the words "by sale," and omit from "and no forest produce" down to "exercise of such forest rights."

Section 27, for Sections 24, 25, 26, and 27 read Sections 24 and 25 only.

Section 29, Clause 4, omit that portion of the Clause limiting the number of cattle to be sent into the Forest. Clause 5, for "date" read "dates."

Section 35, for "and shall exercise such powers, subject, etc.," read "and no appeal shall lie against its decision."

Sections 36 and 37, for these two Sections read as follows :—

"An appeal shall lie from every decision of a Commission acting under the provisions of "Section 34 respecting only any of the matters described in the 3rd and 4th Clauses of Section 33 "to such officer as the Local Government may appoint in that behalf whose decision shall be "final. There shall be no appeal against the decision of a Commission appointed under the provi- "sions of Section 34 respecting any of the matters described in the 1st and 2nd Clauses of Sec- "tion 33."

Section 38, for "any Local Government may" read "after this Act shall have come into "force within the territories of any "Local Government it may", omit the words "consistent "with this Act" and the words "first, second, and third" before "classes."

For Sections 12 and 13, read Sections 11 and 12.

Sections 39 and 40, in these Sections for Section 39 read Section 38.

Section 41, omit "when such may appear necessary" and insert "in any Province to "which this Act may be extended," and omit the words "with the consent of the Government of India." It is not necessary that a Local Government should get the sanction of the Government of India to their making a rule forbidding grass to be burnt in a Forest. In Clause 6, for "Sections 7 and 8" read "Section 7."

Section 42, for "under Section 42" read "under Section 41."

Section 45, for "under Section 45" read "under Section 44."

Section 49, omit "with the consent of the Government of India."

Section 57, omit as redundant, from "and of all persons, etc.," down to "pasturing cattle in such Forest." For "in the Forest in which, etc.," down to "aforesaid" read "in such Forest."

Section 58, for "any Forest to which this Act applies" read "any Forest demarcated under the provisions of this Act."

Section 63, for "in the Gazette" read in the Local Government Gazette, and add at end of Section "or to suspend him for any period not exceeding 3 months."

Section 66, for the words "any Forest to which this Act applies" read "any Forest demarcated under the provisions of this Act," and for "contrary to the provisions of Section 52" "read contrary to the provisions of Section 51."

4. The observations of the Divisional Officers on the draft Act will be forwarded as soon as received.

Rd. G. A. Turton.

1321/114

From the Honourable D. ARBUTHNOTT, Collector of Madura, to the Acting Secretary to the Board of Revenue, dated Peraeculam, 27th April 1871, No. 115:—

With reference to the Board's Proceedings, dated 21st March 1871, No. 1,224, communicating Order of Government, 13th December 1870, No. 2,867, to submit opinions of Collectors who have personal knowledge of the working of the present Forest Conservancy system on the provisions of the Bill.

* With Memorandum of alterations.

Order of Government noted marginally, I have the honour to submit my opinion* on the provisions of the Bill for the management and preservation of forests.

2. In the Government Order there are five points mentioned, which are the main objects aimed at in the Bill.

I.—Settlement of forest rights in Government forests.

In Kurnool, Salem, and Madura Districts, the right of the people to take any wood they required (with the sole exception of sandal-wood, which in Salem, under former Governments, was a royalty) is undoubted, and till the formation of the present Forest Conservancy about ten years ago this right was never challenged.

3. II.—Levying dues on timber imported from foreign territory, and the control of the transit of timber, etc., grown in other than Government forests.

I think that the welfare of the country would be best consulted by a perfectly untrammeled commerce in timber. To exclude foreign timber by levying a duty would only tend to enhance the price of timber generally, and would, in a great measure, defeat the intention of conserving Government forests from which a larger supply must be drawn if the importation of foreign timber is to be discouraged.

4. III.—The drift timber in any river with which I am acquainted is so small as to be unworthy of attention.

5. IV.—The control of private forests, etc. State control of private forests is, I think, quite unnecessary. The Forest Department in this district rented a part of the Ayagudy Zemindar's forests, but finding that his ryots were put to great inconvenience and trouble by this arrangement he informed me that he no longer wished to rent his jungles to the Forest Department.

6. V.—Punishment by fine, in addition to confiscation of timber, will be necessary in some cases. The confiscation of implements is unnecessary.

7. I will now venture to offer a few remarks on the Bill itself.

In Part I., Section 6, the word *grass* should be struck out, otherwise every acre of waste land in the country would fall under the term "forest."

8. In Part III., Sections 13, 14, and 15 should be struck out. Boundaries can be settled under Act XXVIII. of 1860—Revenue Settlement and Survey Act.

9. Many of the sections of Part IV. are unnecessary; a forest should not be demarcated unless it is intended that it should be closed.

10. Part V.—Government should have the power to close any portion of a forest and exclude the public entirely, but at the same time portions might be left open for the exercise of communal rights. Section 29 ought to be struck out.

Section 30.—I have mentioned above that a demarcated forest ought to be closed against every one, and any person found inside such demarcated forest, except Government Officers, should be fined. In many cases the commutation of forest rights is impossible. How is a ryot's loss of fuel and grazing for his cattle to be compensated. His fuel and grazing ground may be taxed and he will thereby be rendered so much the poorer, but he cannot exist as a ryot without them.

11. Part VI. should be struck out. The people's rights are sufficiently well known, and private forests should be left to their owners.

12. Part VII. should be struck out. I have already mentioned that, in my opinion, demarcated forests should be closed, and no person allowed to enter them on any pretence whatever. If this was the case no further protection would be required for fish or wild animals.

13. Part VIII. is, I think, objectionable. The very fear that its sections might be put in force might lead to the destruction of forests which these sections are intended to protect.

14. Part IX.—If the object of Government is to conserve their forests no plan could be more suicidal than that of levying duty on foreign timber. The more foreign timber is imported by so much less will be the demand on Government forests. The sections with regard to drift timber are, as far as I know, not necessary in the Madras Presidency.

15. Section 57.—It shall be the duty, etc. No penalty can be laid down for the breach of duty mentioned. The question of fires in jungles I will revert to hereafter.

16. Part XI., Section 64.—Forest Officers could not, without great danger, be allowed such power as this section gives them. They should have the power of interposing to prevent a breach of any section of the Act and to demand the offender's name, and, if necessary, to follow him to his village and call on the Village Moonsiff or Police Officer to arrest him.

17. In compliance with the order of the Board to report what I have seen of forest conservancy, and of the respect shown for the communal rights of the people, I am sorry to say that the former has been a complete failure and that the latter have been utterly neglected.

18. About the year 1858* Government became alarmed at reports from many districts of the rapid decrease in the extent of forests, and the Forest Department was hastily organized to put a stop to further deterioration. No law was passed, but rules were framed under the orders of Government. Under these rules no forest was accessible to the people unless on licenses either paid for or free. The rules unfortunately fall most heavily on those who are at a distance from the forests and who are not allowed even firewood without paying for a license, so that the unfortunates who have no forest within the limits of their village have not only to bear the cost of the carriage of firewood, but also to pay for their licenses, whilst those who have a forest at their doors escape both cost of carriage and of license. This inequality does not apply to fuel alone, but to every other article for which wood is required, such as ploughs, rafters for house, etc.

* I write from memory

19. The decrease in the area of forests has arisen solely from one cause, viz., the extension of cultivation. The idea that forests have suffered seriously from indiscriminate felling and wanton mischief is simply absurd. Felling timber is a laborious occupation and not very remunerative, and these considerations alone are sufficient to prevent mere wanton destruction.

20. In this district almost the whole of the Peracolum Talook was, at the beginning of this century, one vast jungle. People are now alive who remember all the Punjah land covered with forest, but with rare exceptions the forest consisted entirely of the common Babool,† which, in this part of the country, invariably assumes the umbrella shape. The extirpation of such a forest was only an unmitigated good. Fever disappeared and the land is now largely cultivated. That the forests of the district are amply sufficient for the wants of the people I am perfectly satisfied.

† The common thorny Acacia.

21. From the examination of the forests I have made, and from the statements of many persons in the district, I am also of opinion that no considerable quantity of the more valuable kinds of wood, such as Teak, Vengai, and Blackwood ever existed in this district. The idea that our jungles have deteriorated rapidly and to such an extent as to cause alarm for the welfare of the people is totally groundless. There is sufficient forest for all the wants of the poorer classes for many thousands of years. The richer classes can take care of themselves.

22. The result of the proceedings of the Forest Conservancy Department is that they have made themselves universally hateful to the people. This is not the fault of the European Officers but of the system. There is one European Officer in this district and two Overseers. The Duffadars and Peons are practically without any control whatever. There has been no European Officer of the department on the western side of the district where most of the forests are situated for the last six or seven months.

23. Under the present system, as far as my personal knowledge extends, the jungles are not much worse, but not an iota better than when the forests were allowed to take care of themselves. The State has gained no income, the people have not only been heavily taxed, but also greatly inconvenienced and annoyed, and the forests are in the same state they were ten years ago.

24. In most districts I believe there is no occasion for a Forest Department at all; with a very small establishment the forests could be managed by the Revenue Department, and, if not better, the management would certainly be more economical and far less harassing to the people.

25. *Fires in Jungles.*—With reference to paragraph 15 of this letter it seems to me to be very doubtful whether the injuries caused by fire are not quite compensated by the good they do.

26. All natives conversant with jungles whom I have consulted confidently, assert that only decayed wood suffers from fire, and that where the stems of seedlings are destroyed they spring again from the roots with renewed vigour, and being relieved for some time from the growth of grass and weeds they attain such a size as generally to withstand the heat of the next fire. Those who have closely observed what takes place in a forest know well that the growth of young trees, scarcely an inch in diameter, is wonderfully rapid after a fire. In an extensive Bamboo jungle,* where large quantities of bamboo had seeded and died, I observed a number of seedlings which had sprung from the seed of the old plants. The jungles were fired as usual, and not a vestige of the seedlings were to be found above ground; a few months afterwards I found them growing with great vigour. It is also asserted by natives, and I believe with much truth, that if a jungle is allowed to remain for several years without being burned it becomes perfectly impenetrable from the growth and decay of grass, creepers, and the accumulation of decayed branches, etc., and that most of the seedlings are choked by these accumulations, and that, when a fire does occur in a forest so circumstanced, the results are far more disastrous from the greater fierceness of the fire.

* On the Nallamalays in Kurnool

27. From my own observation, and from the opinion of those who are intimately acquainted with forests, I am led to think that the mischief done by fire is not of such serious consequence as is generally supposed, and the fact that the forests have outlived hundreds of years of burning points to the same conclusion; for it must be remembered that the yearly burning of forests in this country is the universal rule, and not a mere exceptional or accidental occurrence.

Enclosure No. 1.

Alterations to be made in the Bill of the Forest Act.

Paragraph 13, line 3,	read Sections 11 and 12 for 12 and 13.
Do. 19, lines 3 and 4,	read as stated above.
Do. 27, lines 5 and 6,	read Sections 23, 24, 25 and 26 for 24, 25, 26, and 27.
Do. 36, line 6,	read Section 35 for 36.
Do. 36, line 9,	read Section 33 for 34.
Do. 38, line 14,	read Sections 11 and 12 for 12 and 13.
Do. 39, lines 1 and 11,	read Section 38 for 39.
Do. 39, line 6,	read Sections 18 to 32 for 19 to 33.
Do. 40, line 1,	read Section 38 for 39.
Do. 42, line 4,	read Section 41 for 42.
Do. 44, line 4,	read Section 44 for 45.
Do. 46, line 8,	read Section 33 for 34.
Do. 58, line 8,	read Act I. of 1871 for Act No. III. of 1857.
Do. 59, line 7,	do. do.
Do. 66, line 7,	read Section 49 for 50.
Do. 66, line 11,	read Section 51 for 52.
Do. 66, line 18,	read Section 49 for 50.
Do. 67, last line,	read Section 60 for 61.

(Signed) D. ARBUTHNOTT,
Collector.

Madura,
27th April 1871.

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From R. K. PUCKLE, Esq., Collector of Tinnevelly, to the Acting Secretary to the Board of Revenue, dated Sattur, 18th April 1871, No. 160.

As requested in Board's Proceedings, No. 1,224, dated 21st March 1871, I have the honour to forward my remarks on the Forest Act.

2. Legislation is urgently needed to preserve the forests that are rapidly disappearing in the South. The Forest Department hitherto has looked rather to drawing a revenue than to preserving the forests, and from paucity of supervision, the license system has done much injury on the slopes of the hills, especially. The Act in question seems to be all that can be wished in its general tenor, as it confers powers to preserve and from time to time close those forests that have been over-worked in Sections 42, 44, it apparently authorizes the assumption of Zemin, Inam or private forests on payment of net profits to the owners, but the latter part of Clause III. Section 7, restricts such assumption to those forests in which Government have exercised forest rights, this is the very point at issue, the Zemindars, etc., urging that Government never have exercised forest rights in the large tracts they claim, and as it is most important that such private forests should not be allowed to be destroyed as they assuredly will be shortly, the words of the latter part of Clause III. Section 7, viz., in which Government has forest rights should, I think, be omitted.

3. The demarcation of forests in blocks, according to method pursued in Oude, with the view of cutting by rotation, the establishment of timber depôts only a few miles apart, the felling and dragging out by a paid establishment, and the abolition of licenses to cut at discretion are reforms that are greatly needed, as without those forest conservancy exists only in name. In this district especially, as the hill forests are uninhabited, their preservation is very simple, supposing always that sufficient tracts continue to be set aside as they are at present for the free use of the villages along the foot of the hills.

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From A. WEDDERBURN, Esq., Collector of Co
of Revenue, dated 31st

With reference to the Proceedings of the B
requesting a report on the proposed Forest Bill,
Forest conservancy, and to the communal rights
I have the honour to observe, with reference to S
only of the boundary of a demarcated forest are
rights therein.

2. Such rights, however, are exercised at g
range nearly up to 25—*Vide* list forwarded with

* In the Dindigul Taluk.

jungles,* 21 miles, for firewood, implements, et
3. As the Forest Bill provides for compens
it may be found needful to regulate, commute
conservancy will thus be promoted without discom

tors, to the Acting Secretary to the Board
ril 1871, No. 103.

of Revenue, dated 21st March 1871, No. 1,224,
special reference to what has been noticed of
he people as they may be affected thereby,
n 19 of the Bill, that villages within five miles
arently allowed to advance claims to forest

r distances than five miles from villages, and
orts, Proceedings of the Board of Revenue,
ed 5th February 1869, No. 799. Ryots go
m Gopichetty Pollium* to Goorsoppoo

for rights exercised by the ryots, but which
tinguish, it is to be hoped that the Forest

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From J. W. BREEKS, Esq., Commissioner, Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 14th April 1871, No. 34:—

I have the honour to reply to Board's Proceedings of 21st March 1871, No. 1,224, directing me to report upon the Draft Forest Bill, with special reference to Forest Conservancy and the communal rights of the people.

2. It cannot be denied, I think, that centuries of agricultural industry have encroached on the natural forests, and in many provinces, denuded the country to an injurious extent.

For climatic and other reasons, I am persuaded that the time has arrived for Government in its capacity of a "Good Landlord" to restore the balance between Wood-land and Plough-land, by planting large tracts of bare waste, and to exercise some effective control over the primeval forests that in places still remain.

3. The Government can only do this by legislative enactment, and I am therefore prepared to acquiesce in the necessity of an Act, which among other things, will define and regulate the various customary forest rights that every where exist, and will even impose restrictions *as far as area is concerned* upon the liberties and free customs of the poorer classes and the hill tribes for the benefit of the general community.

4. In this district, on the slopes of the Hills, are to be found a few small settlements of two or three houses belonging to Hill people, who occupy small clearings, pasture their cattle in the forest, and live by an acre or two of cultivation and by the collection of jungle produce.

In like manner, at intervals along the foot of the Neilgherries, there are many hamlets* of which, the inhabitants have looked to the adjoining forest to provide them with food, with objects of barter and sale and with pasture for their cattle.

* Of larger proportions consisting perhaps of, eight or ten houses.

On the plateau of the Neilgherries, there are numerous villages† each with its flock and herd, which are driven into the forests on the slopes in the early months of the year, when the sun, the frost, and the grass-fires have destroyed their home grazing grounds.

† By the last census 322 villages, 92 munds (entirely pastoral.)

I should think also that in such an arid district as Coimbatore, the residents of villages situated far away from the Hills, will be found to be in the habit of driving their cattle to the Hill slopes for pasture in the dry season.

5. I apprehend that these villagers enjoy customary forest rights, which from their very nature, cannot well be "commuted" or "extinguished." Tribes who find the natural products of a forest sufficient for a livelihood, are not easily induced to labour after a more civilized fashion for their bread. Beasts cannot be sustained without pasture: and the "demarcation of forest "lands and grazing grounds for the use of towns and villages" mentioned in paragraph 18 of Dr. Brandis' memorandum will not be found so easy a task in portions of Southern India as on the continent of Europe.

In several districts, for three or four months of each year, the Agricultural stock of the inhabitants has literally to make a life and death struggle with hunger: and herds are driven surprising distances in some parts for the bare sustenance which is only to be had in Forest tracts.

By paragraph 19 of the Draft Bill, it would seem that no body can even claim to have Forest rights who lives more than five miles away.

6. I can conceive of no circumstances in this Presidency which would justify Government interference for the protection and management of *private* Forests, as contemplated in paragraphs 7 and 8 of Dr. Brandis' memorandum, neither from what I read do I believe that any such attempt would be of the least avail.

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In France "Law has been found impotent "to prevent the destruction or wasteful economy "of private Forests."*

* Man and nature by Marsh, page 232.

If, however, it be desirable to attempt any thing in the shape of protection in this direction, the attempt should be made in the form of lease or purchase, by Government freeing woodland from all taxation or in some other such form as would operate efficaciously on the pocket of the proprietor.

7. Section 43 of the Bill gives Government power to take possession of Forests in the same way as of other land for public purposes, under the Land Acquisition Act. As Government can in this manner secure the maintenance of Forests, wherever they deem it advisable, it seems unnecessary and unadvisable to invest them with the right of interference with private property which they do not choose to purchase, as is contemplated under Sections 41 and 42 of the Draft Bill.

8. The first thing to be done is to demarcate all Forests in which Government have any proprietary right, and which it is desirable to bring under the operations of the Forest Department; and after that to investigate, determine, and record all customary rights of every kind enjoyed by the people therein.

I am of opinion that this can only be done satisfactorily by the Collector of each district with the aid of the Survey and Forest Department.

9. Where Forests are peopled with Hill tribes and where numerous village communities regard large tracts of jungle as belonging to them from time out of mind for pasture and other purposes, I should look with apprehension upon the operations of an Act which contained provisions for determining the people's rights such as I find in paragraphs 19—22 of the Draft Bill.

When we think of the intricate nature of the claims that will have to be determined, and how valueless to the claimant and inconvenient to the Forest Department, such customary rights are apt to be considered by energetic Forest Officers; and when we look at the position of the parties to the enquiry viz., on one side, the Conservator of Forests with great departmental zeal, and on the other, a people at a very low scale of civilization and mental development, and so timid that they can hardly be induced to face any European, far less to bring forward claims for investigation, is it likely that the claims will receive full consideration and acknowledgment under the summary mode of investigation suggested by the bill.

10. No claim is to be admitted unless presented within three years from a certain date. This is well enough for civilized people, but jungle tribes need to be caught and examined as to their rights, rather than to be left to lose them quietly by the lapse of time.

11. The Collector from his official position and influence in the district, and through the medium of his various Talook and Village Officers, has opportunities of getting at the bottom of these customary Forest rights, which no one else has.

The inquiry should be conducted by him, not in accordance with the provisions of the Civil Procedure (paragraph 34) but in accordance with the requirements of substantial equity and some decision arrived at and reported for the sanction of Government, leaving an appeal within a reasonable time to the ordinary Civil Courts for those who are not content.

12. Were this done with some pai , the Government Forests of this Presidency would, I believe, fall into two classes :—

I.—Large impenetrable tracts of ju le which still remain in some places and in which no people have any Forest rights or wherein orest rights may without injustice be denied

II.—Those jungle tracts on the outs rts of cultivation in which various people have valuable liberties and Forest rights of some sort o another.

13. The proposed Forest Act sho d provide the machinery for declaring No. I. State Forests, for permanently demarcating th as such, for publicly notifying the absolute proprietary rights of the Government therein, fo conserving them, and for prohibiting the growth of any Forest rights at any future time, within e demarcated limits.

14. All other Forests of which the fee simple is vested in Government, but in which the people have exercised customary rights, should be declar d to be No. II. Communal.

A Register of the State and Communal Forests and Record of the nature and extent of the peoples' rights within the latter should be kept in each district.

15. It should be a very clear case of necessity that induces Government to order the commutation or extinction of the peoples' rights, as set forth in paragraph 28 of the bill.

I hardly think that in this Presidency either the necessity or the expediency can be shown to exist for any general commutation or extinction of Forest rights as seems to be contemplated under Part V. of the bill.

We have every right to stop the cutting down of Government Forests and to check waste and improvidence on the part of the people in the exercise of their customary rights, but it can only be on the ground of absolute dearth of fuel or of the immediate prospect of some of our districts turning into deserts that we should be justified in a general application of the Sections under Part V. of the Draft Bill.

16. Whether for the supply of fuel or for the restoration of a due proportion of trees throughout the country, what is mainly wanting, in my opinion, is extensive planting of artificial Forests in those districts which are now denuded of jungle vegetation.

17. Where we have Forests, there we have abundance of fuel, and a more than due proportion of trees. We need but preserve what we have got, and may even economically work them for our own profit.

Both the preservation and the economic use of them are quite compatible, I think, with the existence of those communal rights which the Bill wants to get rid of, *provided* we rigidly define the limits within which these rights are to be exercised and by good Forest Rules, compel the people to a reasonable and provident exercise of their liberties.

18. Paragraph 12 of the Draft Bill gives Government power to "assign all or any of the "produce of such Forest for the use of village or other communities or for any other purpose."

"Such Forest," I find, by Chapter 3, paragraph 7, includes "all Forests which are the "property of village or other communities, etc., private individuals or other persons in which "Government has Forest rights."

I cannot understand paragraph 12.

Is it contemplated to confer on Government the power to assign "all or any of the produce" of a Private Forest to the use of a stranger?

If not, why the paragraph?

No express provision is required to enable Government to alienate all that they justly can, viz., their own rights in such Forests.

19. Paragraph 26 of the Bill after forbidding alienation by the people of their Forests rights goes on to say :—

"No Forest produce obtained by the exercise of such Forest rights shall be sold or trans-"ferred to any person not entitled to the exercise of such Forest rights."

Practically this is prohibiting *all* sale of jungle produce. Those who have the right to collect Forest produce do not sell to each other but to Traders who have themselves no Forest rights.

This paragraph therefore would deprive the Forest Tribes of the use of all natural products except the small portion which they themselves actually consume.

Government might perhaps establish a monopoly and insist on all Forest produce being brought to certain Depôts and sold to their Officers, although I do not think this at all desirable. But to prohibit the sale to Traders without opening any other market would be simply to deprive the jungle Tribes of their livelihood.

20. (Paragraph 33 of Draft Bill) We have an Act (XXVIII. of 1860) for facilitating the settlement of bundary disputes and Settlement and Survey Officers accustomed to the work.

21. On the whole, for this Presidency, considering that the land is (generally speaking) the property of Government and the cultivators the tenants of Government, with certain occupancy

rights, and that these tenants whether Hill Tribes or Ryots, look directly to the Collector as representative of the Government within their districts in all matters, connected with their agricultural industry and that many* of these customary rights closely concern them as cultivators of the soil, I am strongly of opinion that the Collector should be Conservator of Forests within his district.

* Cutting timber for ploughs and other implements; for their houses; for fences and cattle kraals; for burning the dead and for house fuel.
Cutting bamboos for the carts, etc., pasture for the cattle, grass for thatching houses and sheds, and diverting jungle streams for cultivation.

It seems to me impossible that any officer, however zealous, belonging to another and an independent Department, can exercise influence over the people for conservancy and for planting purposes in the same degree that a Collector can.

Give the District Forest Officer a room in the Cutcherry, let him discharge all his executive duties in the name of the Collector, and he will find his influence, his controlling power, and his ability to move about and accomplish, increased tenfold. Such an Administrative centralization will give great vigour and power to the Forest Department; whereas with separate departments at work in the same field as it were, there will always be comparative feebleness and some times obstruction and misunderstanding.

22. The present Conservator might be called Inspector-General of Forests, reporting direct to Government, and be quite independent of Collectors. The Inspector-General freed from local prejudices by his elevated position would make it his special duty to see that the several Forest Conservators carried out the orders of Government in the Forest Department and would take care that the knowledge acquired in one district was made available for others.

From C. T. LONGLEY, Esq., Collector of Salem, to the Acting Secretary to the Board of Revenue, dated Camp Ahtur, 17th June 1871, No. 3,007.

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With reference to the Board's Proceedings, dated the 21st March 1871, No. 1,224, I have the honour to enclose Memorandums from myself and the Acting Sub-Collector on the Draft Forest Bill.

Enclosure No. 1.

Memorandum on Forest Bill.

Section 20, *Part III.*—Three years is too long; one year is quite sufficient.

Section 26—Most harsh and unjust; it is taking away half the value of the right. I hope Section 26 will be expunged from the Bill.

Section 27.—Compensation is given for land taken up for public purposes, why not for forest? When the next Section provides for compensation, why not give the same for acts done under Sections 24, 25. If you exclude a man for months from grazing his cattle in a certain tract where he has an immemorial grazing right, he is surely entitled to some compensation.

Section 31, *Part V.*—"The statement and proposals shall be submitted;" I would here enter the words *through the Collector* or Chief Revenue Officer of the District, to the Local Government.

Section 33.—I don't understand of what officers the Commission is to consist. I think the Forest Officers and the Revenue Officer of the Division on behalf of Government, and then let the other side nominate their representatives, going back to the old Punchayet system which the people understand. I don't think the Civil Court is the place where matters of the nature mentioned in Section 33, Clauses 1, 2, 3, 4, should be settled. I would have a Punchayet and *no appeal* from their decision.

Section 39.—No rule made under Section 39 is wrong: should be Section 38.

Section 40.—A very wise provision, and one hitherto greatly required.

Section 57, *Part X.*—Will be in operation useless, unless the rules to be framed under Section 60 deal severely with the "communities" and "persons" alluded to in Section 57, who shall fail to put out fires or detect and bring to justice the offenders.

The penalty should be by levy of a heavy fine on the communities, or by prohibiting the service of their rights for a term of years. The Section (57) as it now stands amounts to good advice. The frequent occurrence of forest fires in the Salem District is mainly owing to the impossibility of punishing the villagers in whose limits they occur, or the people who take their cattle to the part of the jungle fixed for grazing.

Section 60, (*Part X*).—The imprisonment awardable under this Section is only simple. It should certainly be of either description. Simple imprisonment to a certain class of offenders is simply no punishment at all.

(Signed) C. T. LONGLEY,
Collector.

Enclosure No. .

Memorandum of Remarks upon Forest Act Bill.

Section 6, *Clause* 1.—I think that the tract ought to be of some defined size, say 100 acres at the very least, for if this point is one to be left to the decision of individuals, a common village tope may be treated as "forest." I am of opinion also that to the words "waste or cultivated" should be added "or otherwise occupied or assigned lands." This would bring the numerous petty jungle villages of two or three huts each within the scope of the Act, and would also include village sites which have been deserted.

Section 7, *Clause* 2.—The word "by" between limited and "the" seem to have been omitted.

Section 13.—There is clearly an error here; Sections 11 and 12 should have been mentioned. The same mistake runs through the Bill.

Section 20.—I do not see the necessity for allowing a period of three years here. Three or six months at the outside would be quite a sufficient time to allow for preferring claims to forest rights. Delay only gives time for the fabrication of false evidence.

Section 26.—I think this a most unjust piece of legislation. If people have from time immemorial been in the habit of collecting and selling forest produce, what right has Government to inhibit their doing so now. It is really tantamount to saying that in theory a right may be exercised, but that in practice it is not to be. Government eats the oyster and gives the people the shell.

Section 27.—I fail to see upon what principle, either of State policy or equity, this Section is based. The law has heretofore provided for compensation being given for the deprivation or suppression of any right consequent upon the necessities of the public welfare. Why should forest rights be made an exception to the universal Rule?

Section 33.—It appears to me that the old Punchayet system, where each party chose a representative and they selected a third party, is a far better arrangement than the proposed Commission. It is not only fairer, but is one more in consonance with the feelings and the customs of the people, and prevents Government having a preponderance in deciding questions which, if they formed the subject of issue between private parties, would be almost always decided by the Civil Courts.

Section 36.—I do not comprehend this Section. The Sections quoted are wrong: they should be 33 and 35. What is the object of allowing an appeal as is practically done with regard to Clauses 3 and 4, Section 33. Why cannot the Officer appointed by the Local Government as well decide cases of the class referred to himself. Such elaborate legislation is only multiplying work and doing no practical good. I incline most strongly to the Punchayet system and no appeal. I would not put forest disputes in the hands of the Civil Courts as provided for in Section 35. The work of deciding such cases in the absence of a Commission should belong to a Revenue Officer. If Civil Courts are to exercise jurisdiction, I certainly think that any appeal against their decisions should lie to the highest Court of Civil jurisdiction. It is derogatory to the dignity of the "Bench" to allow an appeal in any other quarter.

Section 38.—I consider it very necessary that provision should be made for rules regarding the supply of wood for agricultural as well as for building purposes in cases of villages being destroyed by fire. The general cry on these points is, that the Officers of the Forest Department are left to make their own Rules, and that they are oppressive. I have often had occasion to believe that they are unnecessarily so.

Section 51.—This, I think, should be modified. Servants of Government should have authority to, without reference, remove or destroy trees which are likely to endanger works in their charge. Take, for instance, the cases of a tree getting jammed in the sluices of an anicut or of one fouling a bridge.

Section 55.—I do not think it safe or just in this case that a Forest Officer should be exempt from a Suit in a Civil Court for damages. Here is again elaborate, and, in my opinion, unnecessary legislation. Why not let Forest Officer decide on his own responsibility.

Section 57.—There ought to be a penalty for the non-observance of this "duty." It is true that Section 60 provides for punishment for "offences" against the Act; but the word "offence," it must be remembered, is "anything made punishable under the Indian Penal Code or any special or local law." If the word "breaches" was substituted, the desired object might be obtained.

I think that it would be very desirable to add to this Section a clause embodying the provisions of Madras Act I. of 1858 excepting Section 6 and "*mutatis mutandis*" legislating for authority on the part of all Forest or Revenue Officers in charge of a talook or division of a talook to call out for the suppression of fires in Government jungles all the able-bodied men of the surrounding villages, they being, of course, duly paid for their work.

Section 59.—I do not see the object of this Section. Act I. of 1871 provides for the establishment of Pounds by District Magistrates, and these could easily be opened wherever the Forest Officers showed that it would be for the interest of Government to do so. I do not approve of a mixture of authority on one and the same subject.

Section 72.—It appears to me that three months is too short a time to allow. I would suggest six months. Who is to be the person to decide what are "sufficient amends"? This point ought certainly be left to the Courts.

(Signed) J. F. PRICE,
Acting Sub-Collector.

(True Copy.)

(Signed) C. T. LONGLEY,
Collector.

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Exd. T. Cartledge.

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From A. Mc C. WEBSTER, Esq., Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Kudremukh, 29th April 1871, No. 554.

With reference to the Board's Proceedings of the 21st March 1871, No. 1,224, forwarding a copy of a draft Forest Bill, together with explanatory remarks by Mr. Brandis, Inspector-General of Forests, I have the honour to submit certain remarks on its provisions.

2. The provisions of the draft bill as regards purely State and Private Forests are, with a few exceptions, all that can be desired. The demarcation and effectual conservancy of the former class of forests are provided for, while power will be given to the Local Governments to prevent the exercise of private rights in the latter forests to the detriment of the public interests. It is only, therefore, in regard to State Forests in which the community have certain forest rights, that care will have to be taken to interfere as little as possible with those rights.

3. The draft bill appears to have been altered from its original form, for the references made in it, and in Mr. Brandis' remarks, to certain sections, do not correspond with the present numbers of the sections alluded to

Section 5, *last clause*.—I would omit this clause, as it is unnecessary, and prolongs the wording of the bill.

Section 6.—"Forest" should not be defined so as to include cultivated land situated in jungles. In this district, especially in the vicinity of the ghauts, almost all the estates are situated in the midst of the jungles, and if these estates are to be considered as "Forests," the proprietors will have just grounds for complaints. Take for instance the case of an estate situated in the midst of a purely State forest. If this definition is to be adhered to, the effect will be, either that the surrounding forest will have to be classed under the second description of forests, or that the proprietary right in the estate will have to be confiscated.*

* *Vide* lines 5 and 6 of Section 11.

The latter clause of paragraph 18 of Mr. Brandis' Memorandum seems to be at variance with his proposed definition of "forests," for he remarks that only such lands as are the property of Government, will be included in State forests. The definition given in the draft, moreover, can be taken to include all waste land in the district, for, if lands are not covered with trees or brushwood, they are certainly covered with grass. It can hardly be the intention of Mr. Brandis that the Forest Department should for the future take all existing waste lands under its charge, the inexpediency of the step being so obvious, and it appears to me, therefore, that the definition requires considerable alteration. "Forest" should, in my opinion, be "defined as "any tract of country covered with trees, and shall include such roads, streams, and "other waters as may be situated within such tract."

Section 7, *2nd Clause*.—The word "by" appears to have been omitted between the words "limited" and "the."

3rd Clause.—This description of forest does not, I believe, exist in this Presidency, but from paragraph 16 of Mr. Brandis' Memorandum, it appears that such forests are found in many provinces.

Section 11.—I would omit the words "second class" from this section, otherwise forests in which the people have certain forests rights, will be liable to be classed as State forests, and several of the provisions of the proposed Act will, if applied to them, cause great hardship to the community.

Section 12.—As the third description of forest does not exist in this Presidency, this section may stand; otherwise the expediency of empowering Government by virtue of their possessing certain forest rights to assign any of the produce of such forests *for any purpose* might well be called in question. I imagine that if any village jungles, *i. e.*, jungles of the second class, are assigned for any other purpose, compensation will be given to the persons whose rights are restricted.

Section 13.—"Sections 12 and 13" should be "Sections 11 and 12."

Section 14.—For "Conservator of Forests" I would substitute "Collector." The people have been accustomed to look to the Collector to decide cases of disputed boundaries, especially when the question lies between Government and themselves, and he, and not the Conservator of Forests, is therefore, in my opinion, the proper person, to investigate such disputes.

Section 15.—For "Conservator of Forests" substitute "Collector."

Section 16.—Do. do.

Section 17.—For "two or more Forest officers specially appointed by the Conservator of "Forests," I would substitute "by a Revenue official appointed by the Collector and by a Forest "officer appointed by the Conservator of Forests," also for "signature of the Forest Officers "appointed," I would substitute "signature of the Revenue and Forest officers appointed," and for "deposited in the Office of the Conservator of Forests," I would substitute "deposited in the Office "of the Collector" an attested copy being deposited in the Office of the Conservator of Forests.

Section 18.—If the definition of Forests is altered as I have proposed, this section may stand with the insertion of the words "by private individuals" between the words "acquired" and "in," otherwise I would omit this section altogether, as the effect of its being carried out would be to stop any extension of cultivation.

Section 19.—For "Sections 12 and 13" "Sections 11 and 12" should be substituted; also for "shall submit their claims to the forest or other officer as the Local Government may from time "to time appoint in that behalf," I would substitute "shall submit their claims to the Collector." "For "all claims" I would substitute "notice of all claims," and after "Conservator of Forests," "I would add "for his information."

Section 20.—This section appears to me to require alteration. As it stands at presents it bars a claim, unless the party preferring the same shall prefer it within three years and shall have been in the habitual exercise of the right claimed *at the time* when the boundaries were notified. Very probably the exercise of such right may have been stopped by forests rules, which are acknowledged by Mr. Brandis not to have had the force of law, or may have been prevented by verbal orders from Conservators. The right may, moreover, not have been exercised owing to the ignorance of the people as to the real state of the law, and to their fear of rendering themselves liable to a dreaded but unknown punishment. As by the latter part of Section 33, cases of disputed boundaries and of claims to exercise Forest rights, etc., are taken out of the jurisdiction of the Civil Courts as soon as a commission is appointed, it appears to me to be only equitable that the period of limitation allowed by paragraphs 131, 145 and 146 of Act IX. of 1871 (the Indian Limitation Act) should apply to such cases. I would, therefore, alter this section accordingly.

Section 21.—For "Conservator of Forests," I would substitute "Collector."

Section 22.—Do. do. and for "Collector or other Chief Revenue authority, etc.," in the latter part of the section, I would substitute "Conservator of Forests."

Section 23.—I would insert the word "State" between "demarcated" and "Forest," for the propriety of permanently closing thoroughfares through village forests is very doubtful.

Section 24.—I would insert the words "for a specified time" between the words "close" and "such" and the word "village" between the words "demarcated" and "Forests" and would after the words "said Forests" add the proviso "provided that no more than one-third of the said forest "be closed at any one time, and that for the time during which such portion of Forests is closed, a "corresponding area of forests shall be allotted for the use of the community or person affected by such temporary restriction of rights." If the Board will refer to Clause 3, paragraph 20 of Mr. Brandis' memorandum, they will see that a limit to the extent of forest to be closed is proposed, but no provision to this effect is inserted in the draft bill.

Section 25.—If another plot of jungle is not allotted for the use of the persons affected by the provision of Section 24, compensation must be given.

Section 26.—The first part of this section is confiscatory of the rights of the people. Forests rights in this district go with the cultivated estate, and the one cannot be sold without the other. To empower a Forest officer therefore to interfere with the free exercise of the proprietary rights of the people, is utterly unjust. The provisions of the later part of this section, moreover, render

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nugatory the confiscatory portion, for the enforcement of the first part will have the effect of driving the people to obtain by decrees of the Courts in uncontested suits, sanction for transfers which have hitherto been unrestricted.

Section 27.—I would omit this section altogether. If the rights of the people are restricted, compensation should in justice be given. Mr. Brandis, in paragraph 21 of his Memorandum, apologetically remarks, that it does not necessarily follow that the supplies of timber, wood, pasture, and other forest produce will be diminished by the operation of Sections, 23 to 26. If no diminution occurs, there will be no need of compensation; but in cases where the supply is diminished, surely compensation should be given.

Sections 28 to 32.—In these sections I would substitute "Collector" for "Conservator of Forests" and "Conservator of Forest" for "Collector" wherever these words occur.

Section 33.—It appears to me that the number of persons to be appointed as members of the commission should not be limited to three. It would be advisable, I think, for the commission to be constituted similarly to the Waste lands Courts, *vide* Section 7, Act XXIII. of 1863, and that the provisions of that section should *mutatis mutandis* be inserted in the proposed bill. I would omit the words "subject to the confirmation hereinafter provided."

Section 36.—For "Section 36" "Section 35" should be substituted. I would, moreover, omit the words from "but all orders" to the end of the section. I do not see the use of a commission if its decrees are to be subject to revision by an officer appointed by the Local Government. If the Forest Department are dissatisfied with the orders of the Commission awarding compensation for the restriction of forest rights, they can, under the latter part of Sections 32 and 46, decline to give the compensation awarded, in which case the forest rights shall continue to be exercised without restriction."

Section 37.—If this section is to stand at all, which is not I think necessary, I would omit the words "when confirmed as hereinbefore prescribed, and all orders of the confirming officer "modifying or reversing the order or decision of the Commission or Court," and the words "and "have the force of the law."

Section 38.—For "Sections 12 and 13," "Sections 11 and 12" should be substituted. As regards the matters in regard to which rules may be framed by the local Government.

1*st*.—I would omit the words "the alienation by sale, mortgage, or lease of forests." If State Forests only are alluded to in this sentence, no rules are necessary. If forests in which persons have forest rights, or forests that are purely private property are included, then I do not consider that any rules regulating the sale, mortgage, or lease of such rights, should in justice be made. Any rules, moreover, which might be made, would, as I have shown before, make the people have recourse to the Civil Courts, and would put them to much unnecessary trouble and expense.

2*nd and* 3*rd*.—I would substitute the words "demarcated State Forests, or Village Forests "which have been temporarily closed," for the word "Forests" where it occurs in these two paragraphs. With regard to such forests, the Government should without question be empowered to frame rules for their proper conservancy, but with reference to village forests in which the community have prescriptive rights, I doubt the expediency of enabling the local Government to make rules which will have the force of law, prescribing the manner in which those rights should be exercised, and indeed allowing these rights to be leased to others, for I presume it is not intended to make the community pay for the exercise of their prescriptive rights. It appears to me that the 3rd Clause of Section 33, sufficiently provides for these matters. Even with regard to State Forests, as in some cases these tracts of country are inhabited by Jungle tribes, who have from time immemorial been accustomed to collect and sell jungle produce, etc., the wording of the 2nd Clause of this section appears to me to be too stringent. Government by the wording of the section as it stands, can only frame rules *prohibiting* certain acts. It will be as well, therefore, if the words "or regulating" are added, so as to enable rules to be framed for allowing these jungle tribes to continue under certain rules to follow their ordinary occupation. The latter part

of the 3rd Clause appears to me to be of doubtful expediency. Under the present system, Forest Officers are prohibited from receiving monies and dues for the sale of timber, etc., and I do not think the practice should be altered.

The *4th Clause* empowering the local Governments to frame rules for the protection of game will be productive of the best results. Under the present draft bill, however, these rules will only extend to State and Village Forests. I cannot see why they should not be of universal application. As Section 38 does not refer to lands which are private property, I would exclude this clause (4) from the section, and would insert a section empowering the Local Government to frame rules for the preservation of fish and game throughout the Presidency.

Sections 39 and 40.—"Section 38" should be substituted for "Section 39." I do not see the necessity for Section 39. If the rules framed under Section 38 are "not to abridge any existing forest rights otherwise than provided for by Sections 18 to 32 inclusive," then the power to frame rules, subject to appeal to the Commission, has already been given to the local Governments by Sections 28, 29, and 30, and no further sanction seems to be required.

Again, if under Section 40, the rules framed under Section 38 are, when confirmed by the Government of India, to have the force of law, the Commissioners will be bound to take cognizance of them, and the authority conferred on them by the 3rd Clause of Section 33, of determining "the manner in which the exercise of existing forest rights shall be regulated, etc., will be rendered nugatory.

It is, I acknowledge, intended in the draft bill that the action of the Commission under clauses 3 and 4 of this section should be subject to confirmation by Government, but I have already alluded to the uselessness of a Commission thus fettered, and the provisions of Sections 39 and 40 only furnish an additional argument against the restrictions proposed to be put on their powers.

Section 41.—This section appears to me to require alteration. Mr. Brandis, in paragraph 28 of his memorandum, remarks that the provisions of Part 8 relate to the control over lands and forests which are *not* the property of Government; Sections 28, 29, and 30, provide for rules being framed for the Conservancy of State and Village forests; yet the latter part of this Section (1) provides that the section shall be applicable to *all* forests as enumerated in Sections 7 and 8*," and then comes the provision that "the prohibition shall be enforced notwithstanding any forest rights or other privileges to the contrary."

* Apparently a mistake for 6 and 7.

As the Government have already been empowered to regulate the use of village forests by the villagers, the extension of this section to such forests seems unnecessarily to complicate matters. I, however, only object to the extension of this section to village jungles, on the supposition that the decrees of the Commission are liable to be modified (Section 37) by the Local Government. If the orders of the Commission are accepted as final, then it will be advisable that this section should be extended to such jungles, so as to give the Government the power when absolutely necessary of regulating the use of the jungle by the villagers, so that public interests shall not be affected. In this case, however, and where the jungles are absolutely private property, compensation should be granted. This part of the draft bill does not provide for compensation, unless under Sections 43, 44, and 45, the jungles *are taken possession of* by Government.

If, therefore, the orders of the Commission are to be liable to confirmation, modification, etc., I would substitute the words "private forest in which Government have no forest rights" for the word "Forest" at the commencement of the section, and would entirely omit the latter part of the section.

Section 42.—The words "Section 41" should be substituted for "Section 42."

Section 45.—The word "Section 44" should be substituted for "Section 45."

Section 46.—The word "Collector" should be substituted for the words "Conservator of Forests," and "Section 33" for "Section 34."

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Section 50.—I would omit the latter part of this section. As it is for the convenience of Government in conserving the forests that timber from private estates should be marked with certain devices, I do not consider it right that a fee should be charged for registering the property marks.

Section 53.—I would omit the word "wood" after "timber" in this section, as its inclusion in the section would be construe to refer to firewood, and as it appears to me highly inexpedient to forbid the poorer classes from collecting drift firewood along the banks of rivers. It is perfectly fair that the right to unclaimed timber should vest in Government, but I do not consider that in the face of the prescriptive right of the people to gather firewood for domestic purposes from any Government lands in their villages, it would be just to forbid them from collecting drift firewood. Moreover, if this section is passed into law as it stands, not only will means be afforded for petty extortion and abuse of authority, but the time of the Police and Forest Officers will be most uselessly taken up in arresting poor people for gathering a few sticks to cook their scanty meal.

Sections 54 and 55.—I do not see the necessity for a second Court or Commission under the bill. The most simple course would, I think, be to authorize the Collector to decide such claims, leaving it open to the parties to appeal against his decision to the Commission.

Section 56.—As regards the propriety of calling in the assistance of the Police to aid the Forest Officers in conserving the Forests. Looking to the fact that the Police force has been so greatly reduced of late, that many stations have been abolished, and that the existing strength of the force is barely sufficient for carrying out their present duties, to oblige them to *interpose for the purpose of preventing* the commission of any forest offences, would, considering the present small staff of Forest Peons, throw upon them work which they could not properly perform. The wording of the section is so very decided, "it *shall* be the duty of the Police," that if the section is passed as it stands, Forest Officers will be perfectly justified in requiring the Police to perform the duties of Forest Peons. Moreover, this section would give them opportunities of extortion and oppression, which had much better be kept out of their way. I would, therefore, alter this section so as to render it obligatory on the Police to report any breaches of Forest Laws which may come to their notice, but I would not allow them to interfere to prevent the offences, or to arrest the offenders. I notice that by Section 64, Forest Officers only are authorized to arrest offenders under this Act, so that it is not apparently the intention of Mr. Brandis that Policemen should arrest. It is not clear therefore to what extent it is intended that they should go in attempting to prevent the commission of offences.

Section 57.—Suppose the persons alluded to in this section do not perform the Special Constable's duties imposed upon them, are they to be liable to punishment under Section 60? If so, I am decidedly of opinion that as this section will render compulsory, unpaid services, and will visit the neglect to perform those services with criminal punishment, it should be omitted from the bill. If, on the other hand, there is no penalty attached to the non-observance of this section, I do not see the use of encumbering the Act with its provisions.

Section 58.—For the reasons given in my remarks on Section 56, I do not consider the Police should interfere under this Section. It is inexpedient enough if they are obliged to act under section 56, but it will be a sheer waste of valuable time if they are to drive cattle about the country to the nearest pounds.

Section 59.—No separate Forest pounds should be established. All the pounds in the district should be worked under Act I., of 1871, and should be under the general management of the Magistrate. If any pounds in the vicinity of forests are required by the Officers of the Forest Department, they can be easily established in the nearest village under the supervision of the Potail.

Section 65.—The provisions of the Criminal Procedure Code with reference to the production of persons arrested should be made applicable. I would, therefore, substitute the words "shall "within 24 hours be sent before a Magistrate," for the words "shall without unnecessary delay be "taken or sent before a Magistrate."

Section 72.—The time given for a suit to be preferred appears to me to be too short, as the injured party may very probably seek redress by a complaint to the offender's departmental superior. I would, therefore, either extend the time to six months, or would insert a proviso to the effect that the period specified is to commence from the receipt of final orders on any departmental complaint that may have been made.

4. In conclusion, I trust I may be permitted to state that, in my opinion, the Act, even if altered as I have proposed, is not required in this district. The wording seems to be unnecessarily long, probably occasioned by its being intended to apply to the whole of British India, and it does not appear to be very clearly drawn up. As far as my experience goes, all that is required is a short Act, defining the different descriptions of forests, providing for the demarcation and effectual conservancy of purely State Forests, and for the conservancy, subject to existing rights, of village forests, and regulating the traffic of timber cut in private forests. I do not think it would be necessary to abolish any communal rights of the people, all that would be required would be the temporary closing of certain portions of village jungles to allow of planting operations being carried on.

5. A section, moreover, might be inserted similar to Section 41 of the draft bill, allowing Government to interfere to prevent permanent harm being done to the public interests by proprietors; and another to provide for the preservation of game.

PS.—With reference to my remarks regarding Clause 2 of Section 38, I beg to add that with regard to the question of kindling fires in jungles, there will be no objection to the practice being prohibited in purely State forests and in Village forests temporarily closed. In regard to other forests and to the waste lands generally, I beg to state that in this damp climate, where vegetation is so luxurious, the firing of the old grass is indispensably necessary to ensure a supply of fresh grass for pasture. If this practice is restricted the pasture will suffer, to say nothing of the health of the community being affected by a superabundance of noxious undergrowth vegetation in the jungles. I am averse, therefore, to any restriction being placed on the prevailing practice of firing the grass on waste lands and village jungles in this district.

(Signed) A. McC. WEBSTER,
Acting Collector.

Exd. G. A. Turton.

Enclosure in the Pro: of the Bd of Revr to the Sect to Govt RD of 5 Augt 71
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Read the following papers:-

India Office,
London, 27th January 1870.

Revenue (Forests),
No. 1.

No 137

To His Excellency the Right Honourable The Governor in Council, Fort Saint George.

My Lord,

Para. 1. I have considered in Council the Despatch from your Excellency in Council, numbered 5 Forests, and dated the 22nd of June, with which you transmit certain papers relating to the question of the introduction of a Forest Act into your Presidency, and state your opinion that such a course "is uncalled for at present, and would be inexpedient." You ground this opinion on the difference existing between the tenure of land in Southern India, and the several portions of the continent of India into which the exiting Act has been introduced with success, which leads you to concur with the Board of Revenue, that such an Act "could hardly be introduced into your Presidency, where nearly "all the jungles and forests are within village boundaries, and are "subject to the prescriptive rights of the villagers, without causing much "popular discontent and serious risk of oppression."

2. This question is one of vital importance to the Forests of India, the preservation of which has become of very great consequence to the prosperity of the country, and is an object upon which the Governments of the several Presidencies and the local Authorities are incurring, with the full sanction of Her Majesty's Government, very considerable expense.

3. The views of Her Majesty's Government on this point are evidenced by two Despatches of my predecessor Sir Stafford Northcote in 1867 and 1868, and by one of my own in February of this year, in which strong opinions, founded on reports by the Forest Officers of your Presidency, are expressed as to the urgent necessity for introducing an Act which shall strengthen the hands of the Forest Officers in protecting the valuable property entrusted to their charge. One of the chief difficulties encountered by them arises from the uncertainty of the law, and the reluctance of the Judicial Officers to act in the absence of any definite enactment on the subject.

4. I regret, therefore, to learn that you have not found it practicable to introduce such an enactment into your Presidency. Her Majesty's Government are, as you are aware, fully impressed with the importance of the adoption of efficient measures for preserving the Forests of India, whilst they admit also the necessity of those measures being so framed as to interfere as little as possible with private rights, which may have grown up on behalf of villages or individuals. On the other hand, it must be remembered that as civilization advances these rights become less and less necessary to the cultivators and are found frequently incompatible with the superior rights of the whole community, among

whom the cultivators themselves obtain advantage in other ways from the restriction of their ancient privileges. The change to this state of things must be gradual, and so timed as to make the transition as little onerous as may be to those who have held such privileges. In the instance before us, it must be remembered that the absolute concession of these privileges would, as a rule, render the effective preservation of the Forests impossible, and, moreover, that this is not an object of private import, but is undertaken by Government for the benefit of the whole Community.

5. It may be added, that all the measures already adopted for several years past must have tended to prepare the minds of the inhabitants of the villages for a change of the nature indicated.

6. I will also point out that the statement of the Board of Revenue, which you have adopted, that "nearly all the Jungles and Forests throughout your Presidency are within village boundaries, and are subject to the prescriptive rights of the villagers," seems one which cannot be reconciled with the reports on your Forests which are annually received, although, doubtless, in many instances the case may be as represented.

7. Her Majesty's Government while, with your Excellency in Council, they would deprecate the passing of any Act which would suddenly deprive villages or individuals of real rights which they have hitherto enjoyed, or which, unless properly watched, could be converted into an instrument of oppression, are of opinion that these privileges, when they militate against the good of the Community, should be gradually done away with. They are willing, however, to leave the best mode of reconciling these two objects (whether by compensation, in cases where that mode may be found necessary or practicable, or by such other means as may be deemed expedient) to the wisdom of your Excellency in Council, observing, however, that what might at first be suitable for one district of your Presidency might be unsuited to another, and that an Act might be framed only to be applied to any district when it might appear to your Excellency in Council to be ripe for its introduction.

8. It is not supposed that the passing of an Act would supersede the necessity of a proper demarcation of the Government Forests, or, in the case of newly made plantations, of protecting them by an effective fence. Nor need the villages be deprived of such privileges as allowances of timber, which may have been conceded to them hitherto, so long as these are only exercised under departmental supervision.

9. In thus stating the views of Her Majesty's Government, I rely upon your Excellency in Council to use your best efforts to carry them out in the administration of this Department, and, above all, to impress upon all Magistrates and Revenue Officers the necessity of harmoniously co-operating with, and giving efficient aid and support to the Officers of the Forest Department in the discharge of duties which from their nature cannot be easy of execution.

10. In any case, it is desirable that you should ascertain from the several Governments and Administrations where the present Forest Act has been in operation, what its practical effect has been.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble servant,

(Signed) ARGYLL.

Exd. G. A. Turton.

