

Department.	C. No.	Year.	Initials of Referencer.	Date returned.	Initials of attender.
			checked by	20 7 67	
			Checked by	7/17/67	
			Justified	11/9/67	

REVENUE DEPARTMENT.

Regular
Miscellaneous No.

[illegible]

MISCELLANEOUS SERIES.

DATED 17th January 99

[Despatch Abstract.]

stating that the Court sees no sufficient reason to amend Section 56 of the Madras Forest Act IX of 1882 in the manner suggested by the United Planters Association of S. I.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[J.]
62
1,000-23-7-06.

Revenue
Judicial (1898) Department.

CURRENT No. *6129*
3500

CS

From *The Secretary,*
United Planters Association of
South India.

Order

Endorsement. No. 1856

Transferred to the
Revenue Department.

No.

Dated
Received *29.3.98*
Registered *30.3.98*
Enclosures

Spare copies.

observed 2 Ag Under Secretary
2 Sept 1983

11/9/8.

SUBJECT.

Submitting a resolution, carried
unanimously at the annual
meeting of the Association, addres-
ing that the Section 56 of the
Madras Act II of 1882 may
be revised.

Taken from N. Agrappa
in 4.11.88

The clerk will
explain why he delayed
this 2 months

4
87/98

Z

The Revenue Dept.

R. D

76
11/11/98

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[J. 62]
1,000-23-7-96.

Revenue
Judicial (1898) Department.

CURRENT No. *6129*
3600

From *The Secretary,*
United Planters Association of
South India.

No.

~~Order~~

Endorsement No. 1856

Transferred to the
Revenue Department.

Dated

Received

Registered

Enclosures

Spare copies.



As Under Secretary.
2nd Sept 1898

11/9/98.

SUBJECT.

Submitting a resolution, carried
unanimously at the annual
meeting of the Association, address-
ing that the Section 56 of the
Madras Act V of 1882 may
be revised.

Taken from N. Agenger
on 4.11.98

The clerk will
explain why he delayed
this 2 months

2.

The Revenue Dept.

26
11/11/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

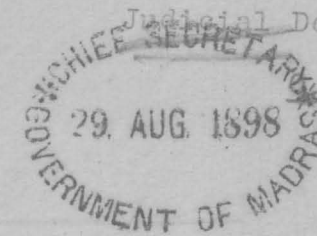
United Planters' Association
of Southern India.

CURRENT No. 3600

Madras, 27th August, 1898.

The Secretary to Government,

Judicial Department,
Pottacamund.



Sir,

I have the honour to inform you that at the Annual Meeting of this Association on 11th instant the following resolution was carried unanimously:-

"That this Association address the Madras Government with the view of having section 56 of Madras Act V. of 1882 so revised that it cannot be unnecessarily employed against respectable residents who can at any time be reached by the ordinary processes of the law."

The gentleman who brought the matter forward admitted that there were good reasons for the use in some cases of the section referred to; but he considered it obvious that such a section was never intended to be put in operation on the respectable and responsible resident, whether European or Native. He stated a case in point as follows:-

"A Forest Ranger accused a planter, a European gentleman, of cutting reeds in a Government forest. The planter, who, I may mention, had specially obtained permission from a neighbour to cut the reeds in question, and who had accordingly done so on this neighbour's land, denied that he had done what he was accused of, whereupon the Ranger told him that the place where the reeds were cut must be shown at once. The planter, who was very busy, said that he could not accompany the Ranger, but informed him that though reeds had not been cut on Government land, yet some thatching grass had been taken. The Ranger went away, and the planter's next news on the subject was a letter from the District Forest Officer saying that he would compound the offence of cutting reeds and

grass on Government land for a certain sum, and if the money was not paid, the Magistrate would be instructed to take the case on to his file. The planter replied stating that reeds had not been cut on Government land, and he was ready to pay whatever sum was considered right for the grass, which he had himself pointed out to the Ranger. He also said that he was ready to show the place where the reeds had been cut to the District Forest Officer or any official whose position guaranteed that the charge was not frivolous, pointing out that Section 56 of the Forest Act, on which the District Forest Officer took his stand, laid the planter open to his time being at the mercy of any petty official. The reply to this was a summons to appear before a Magistrate in the headquarters station, some 60 miles off, within an impossible time on the charge of cutting reeds and grass on Government land. In addition to this, and as showing the great drawback that may follow such arbitrary proceedings, I may mention that in this particular case the planter was in the middle of his planting for the season, and was putting out plants at the rate of some ten acres a day. Planters can well imagine the damage to the estate which might have resulted had he been compelled to leave such important work for certainly not less than four to five days. Fortunately, it was not possible for him to attend in time, and he endorsed the summons to that effect. There was some talk of issuing a warrant for his apprehension; (I should remind you that these cases are criminal and not civil) but better councils prevailed, fortunately, and the case was posted to a later date. I should like to point out here the very anomalous position which may be occupied by the Collector of a District in these matters. The Collector is the official head of the Forest Department in his district; as a matter of fact, the letters in this case were headed "Collector's Office", yet with a European who in a criminal case can only be tried by a European, the Collector is liable to

*What
happened
then?*

9. 125 3.
be judged of his own case; in the example in question, the Collector, who nominally had issued the letters on the subject was to try his own case, and, therefore, very properly, no doubt, actually had to refuse to discuss the facts of the matter with the aggrieved parties."

It is unnecessary for me to add anything to this beyond a statement that the Association does not ask for one law for the European and another for the Indian, or one for the rich and another for the poor, but merely urges that after careful consideration of the facts you will see the desirability of issuing instructions that Section 56 of the Madras Forest Act should not be so applied or that you should urge on Government the necessity of amending the Act as it now stands, so as to prevent repetitions of such cases as that which has been cited above.

I have the honour to be, Sir,

Your most obedient Servant,

Harry Ormerod

Secretary.

C No. 6129 of 1898

From The Secretary United Planters Association
And to the Hon. Judd Dept No 1856 22-9-98

Dated 2 — 9 — 1898.

FOR ORDERS.

Secy

Please see the letter from
the Secy of the U. P. A. S. I.
forwarded by the Judd Dept.

It appears that the
Association at a meeting
held on the 11th August
unanimously resolved
to address this Govt with

" a view of having
" Sec 56 of the Madras
" Forest Act of 1882
" so revised that it cannot
" be unnecessarily employed
" against respectable
" residents who can at
" any time be reached
" by the ordinary processes
" of the law "

The Secy's letter
goes on to state the case
which decided the Assoc

on this course. It appears that a Forest Ranger accused a European planter of cutting reeds in a Govt forest; that the planter denied having cut ^{the} reeds ^{in Govt forest} but admitted having taken some thatching grass from Govt land; that ~~the~~ ^{the} ~~authorities~~ ^{authorities} ~~heard that happened~~ ^{heard that happened}. The D.F.O then offered to compound the offence of cutting grass & reeds from Govt land & when the planter objected, quoted Section 56 of the Forest Act, & did actually institute criminal proceedings.

Section 56 of the Forest Act is as follows:-

"When in any proceedings taken under this Act, a question arises as to whether any forest produce is the property of the Govt such produce shall be presumed to be the property of the Govt until the contrary is proved."

3

The section is obviously most necessary for the safety of the ~~revenue~~ Govt forests & revenue. The Govt has already declined to alter it. Vide Repts of the Am Mr Gosse to question put by Mr K.R. Vijayaraghavachariar at a Legislation Council meeting held on the 9th April 1897 (p 121 of the Prop put up); & the notes recorded at that time; also judgment of the High Court in Crim Appeal No 451 of 1896 in S.P. 2002 & 13. April 9.

After the enquiry into the alleged Kurnool forest scandals in 1894-95 the Bd in its Prop No 167 for & 28 March para 2 issued instructions that "the presumption against the accused arises by the provisions of Section 56 of the Forest

with safety to ~~the~~
the interests of Forest conservancy.

The obvious protection against
the improprieties of a Forest sub-
ordinate in a case like the
present was an immediate
appeal to the collector, who may
ordinarily be trusted to take a
common sense judicious view
of the matter.

Before passing orders
it may however be interesting
to get the actual facts of
the case instanced by the Assoc.
But if H.H. does not think this
necessary, orders may be
passed in the sense of the
remarks above.

S.H. 11/11/8

The planter was Mr. Windle
and the occurrence took place
in the new Anaimalai forest
tract & clearings.

I think particulars are given
in the letter addressed to the
P.S. in the file of papers
about the Anaimalai leases
about wh. I spoke to the
Secy. some time ago, &
wh. he promised to look
up. This file was taken
with other papers from
my table at Oct. &
not returned to me.

What was done?

I intended to address Mr
Shorrocks d.o. about
the various matters.

No case has been made
out for amending the
law & the Assoc. may
be civilly so informed.
Look up papers first.

Mr. Windle spoke to me
about the case.

As the accused did
not accept the
District Officer's
offer of compromise

That an offence against the
Forest Act was, unwittingly at
unwittingly, committed is
not denied. A summons was
issued to the accused, & the
compliance made is that obedience
to this summons would have
necessitated the accused leaving his
work, wh. would have been
highly inconvenient to him -

The Govt. fails to see how
any amendment of Sec 56 of the
Forest Act would have prevented
the necessity of Magisterial
enquiry under the circumstances.
The inconvenience of having
to attend court at a distance is
inseparable from the privilege of
Europeans - In the opinion of Govt.
no case is made out for any
amendment of the law. H.S. -
I should over the
papers to the Hon. Mr.
Winterbotham.

Act 3, 12, 98.

Rev Sec. into considerable time
with the file I sent him a d.o.
containing an open letter to the
Private Sec. - returning to him
(1) an office note written by Private Sec.
for H.E. - & two d.o.s from Mr. Arundel
(2) a type written note without
signature, wh. I believe emanated
from Mr. Windle -
I don't remember that (2)
mentioned the case referred to by
Hon. Mr. Arundel -
The uncertainty may be replied
to as above. H.S.
8-12-98

To Under Secy

The file regarding
the Anaimalai leases has returned
from circulation. It is submitted
that no such paper as is referred
to by the H. Mr. from Mr. Windle
is in the file.

H.S.
7.12.98

Hon. W. Arundel

Orders are now
expedited on the proposal to
amend the Forest Act. See
my note of it Nov. The
H. Mr. was to look up some
do. correspond with Mr. Windle.
If he mistakes it considered
with this file left to Mr. who
is now in charge of the
Rev Dept. will he kindly
put it with the file

Yes they are
with the
other file
H.H. S.H.

The H.H. will see that
Mr. Windle's papers are sent
with him. S.H. 12/12/8
HE The H.H.'s proposed order is at
8.4.91/18

"Should not be taken
advantage of in any
case in which there
is room for reasonable
doubt."

The Association
does not, I submit
show any grounds for
thinking that the
section is abused
in the forest administration
of the present day.

Isolated cases of
hardship are inevitable;
but the case cited by
the Assocn does not
show one of particular
hardship. If the plaintiff
in question in getting the
D.A.O.'s letter opening the
compounds had explained
the facts & forwarded
the corroborative evidence
of the neighbor, who it is
said, for him has
to cut reeds on his own
land, nothing more would
probably have been
heard of the matter.

Instead of this he appears
properly of the Govt until the contrary is proved.

He ought to have written
to the Govt at once

J.H.

5

to have argued the
matter; ~~now does~~ he
does not appear to
have written to the
Collector but presumes
that the Collector could
not go into the merits
of the case except at
the trial as he was
also Dist. Magistrate.

For order as to the
reply to be given to the
Assocn. If Mr. [unclear]
Enquiry into the
case cited is deemed
necessary, the Secy to
the Assocn may be
asked to give names
& dates & the Collector
in question asked to
report the exact facts.

It is significant that
the result of the trial
is not stated nor is
a copy of the judgment
or final order sent up.

H.M. ^{11/11}
8/11/8

The law cannot be altered

8/11/8

with safety to ~~the~~
the interests of Forest conservancy.

The obvious protection against the improprieties of a Forest subordinate in a case like the present was an immediate appeal to the collector, who may ordinarily be trusted to take a common sense judicious view of the matter.

Before passing orders it may W. however be interesting to get the actual facts of the case instanced by the Assoc. But if H.H. does not think this necessary, orders may be passed in the sense of the remarks above.

S.H. 11/11/98

The planter was Mr. Windle and the occurrence took place in the new Anaimalai forest tract & clearings.

I think particulars are given in the letter addressed to the P.S. in the file of papers about the Anaimalai leases about wh. I spoke to the Secy. some time ago, & wh. he promised to look up. This file was taken with other papers from my table at Port? & not returned to me.

What was done?

I intended to address Mr. Shirock d.s. about the various matters.

No case has been made out for amending the law & the Assoc. may be civilly so informed. Look up papers first.

Mr. Windle spoke to me about the case. 11/11/98

As the accused did not accept the District Officer's offer of compromise

That an offence against the Forest Act was, unwittingly at unwittingly, committed is not denied & a summons was issued to the accused, & the complaint made is that obedience to this summons would have necessitated the accused leaving his work, wh. would have been highly inconvenient to him - The Govt. fails to see how any amendment of Sec 56 of the Forest Act would have prevented the necessity of proceedings enquiring under the circumstances. The inconvenience of having to attend court at a distance is inseparable from the privilege of Europeans - In the opinion of Govt. no case is made out for amendment of the law. 11/11/98

I handed over the papers to the Hon. Mr. Winterbotham.

11/12/98

Rev Sec. is a remarkable man with the file I sent him a d.o. containing an open letter to the Private Sec. returning to him (1) an office note written by Private Sec for H.E. & two d.s. from Mr. Arundel (2) a type written note without signature, wh. I believe emanated from Mr. Windle - I don't remember that (2) mentioned the case referred to by Mr. Mr. Arundel - The amendment may be replied to as above. 11/12/98

To Under Secy

The file regarding the Anaimalai leases has returned from circulation. It is submitted that no such paper as is referred to by the H. Mr. from Mr. Windle is in the file.

11/12/98

Hon. Mr. Arundel

Orders are now required on the proposal to amend the Forest Act. See my note of 11/11/98. The H. Mr. was to look up some do. correspond with Mr. Windle. If he wishes it considered with this file let the H. Mr. who is now in charge of the Rev Dept. will be kindly put it with the file.

11/12/98

Yes they are with the other file H.H. 11/12/98

The H.H. will see that Mr. Windle's papers are sent on with him.

11/12/98

HE The H.H.'s proposed order is at 11/12/98

Secy

Please see draft order
below

He
16.11.88

M. J. 11/11/88

Was this one
amongst them?
M
18/11/88

To Under Secy

(Through the Head Clerk,

The file of papers
re: Anamalai cases was
circulated to the Hon. Mr. Justice
on the 7th October last and
has not returned to office.
The papers returned by the H. Mr.
at 10.15 without being passed
by him were sent back to
the H. Mr. at Madras.

For
18/11/88

A clerk maybe

sent to the Hon. Mr. Justice's Bungalow
to make a search. The Secy
was asking me about
these papers a few days ago
when I said there were
no papers recently returned
the Hon.

M
18.11.88

Please answer query
above. The chief clerk
should also be asked

M
18/11

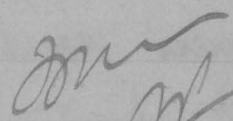
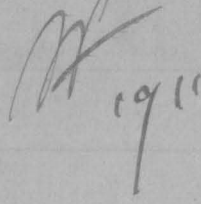
She

the Circulation Clerk who
sent the papers back (viz
Selvanatham Pillai) has
~~since~~ resigned his appointment
^{it is regretted}
there is no information in the
office as to whether the Ana-
malai papers were so returned.

mm
18. XI. 20

See

Please see No.
below to him in regard.



1911

[Faint, illegible text on a separate sheet of paper pasted onto the right page.]

the Circulation Clerk who
sent the papers back (viz
Selvamatham Pillai) has
since resigned his appointment
^{it is regretted}
there is no information in the
office as to whether the Ana-
malai papers were so returned.

mm
18. XI. 98

See

Please see to
below to Mr. Mr. Arundel.

mm
18. XI. 98
19. 11

My dear Forbes,
I have found
the papers in a box
put
with the Tenancy Bill
Boxes.

Yours sincerely
A. Arundel

20. 11. 98

No. 161



Revenue Sec.

19th Nov

My dear Arundel

The file about the Anamalai
leases you refer to in another paper
about a forest complaint, is not to be
found in the Office.

All the papers you returned
undisposed of at Ooty were, I am
assured, retransmitted to your house at
Madras.

I am ordering a further
search in the Office, but would be
glad if you would find it convenient
to look again in any circulation boxes
that may be in your room.

Yours Sincerely

S. S. S. S.

Deposited
19.11.98

Do. no. 161

My dear Arundel

The file about
the Anamalai leases
you refer to in another
paper about a forest
complaint, is not ^{to be found} in
the office.

All the pp.

You returned indisposed
of at duty were I am
assured, & retrans. ~~of~~ ^{to} ~~the~~ ^{the} ~~at~~ ^{at} ~~Madras~~ ^{Madras}

I am ordering
a further search in the
Office, but we be glad
if you would ^{convenient to} look
again ~~at~~ ⁱⁿ any
circle ^{of} ~~one~~ ^{that} may be in
your room

For 82: Sent
19th November 1898

He
replied
S.A.
19/11/98

Rev Sept

Read

from the Secretary
U. P. A. S. I

7 27-8-98

E.O. misc. 122547 17th Jan 1899.

The Govt has
carefully considered
the representation made
by the association but
sees no ^{sufficient} reason to
move for the amendment
of the law in the
manner suggested

W
16.11.98
8/2 17/1/99

For Secy U.P.A.S.I.
20-1-99

Sp
17.1.99

When given for copying _____
When copied _____
When examined _____
When signed _____

189 .

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

S.B.—

A = Copy in full.
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Q = Copy heading only