

(1) Number of pages 28
(2) Date of repair 2-3-1985
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	1467	Press.
B.P. No.		Mis.
Dated	10-9-1878	197

Not to be folded or roughly handled

Archives 1-5,806-24-2-78.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

10th September 1878, No. 1,167.

Read the following paper:

No. 100. From Captain J. CAMPBELL WALKER, Deputy Conservator of Forests (on special duty), to C. G. MASTER, Esq., Secretary to Government, Revenue Department (through the Conservator of Forests), dated Ootacamund, 31st July 1878, No. 1.

I have the honor to acknowledge receipt of G.O., No. 1,163, dated 26th inst., and to report that I intend leaving Ootacamund for Coimbatore at close of the current week if my presence be not required by the Churchill Committee.

2. I regret that I had not an opportunity of conferring with Colonel Biddons on the subject of forest reservations before he submitted his letter, No. 274, of the 13th May. Mr. Brand's, in his communication to me on the subject which has been before Government in a semi-official form, suggested previous consultation between the Conservator and myself, failing which I trust Government will permit me to lay before them my views on the subject.

3. Mr. Brand's considered that the demarcation, settlement and protection of Government reserved forests might be carried out without a Forest Act, and in this view Colonel Biddons apparently concurs, although I gather, from his letters and a conversation I have had with him, that he thinks provisions under the provisions of an Act would be preferable in every way.

4. In my opinion nothing permanent nor satisfactory in the shape of constituting and protecting State or communal reserves in this Presidency can be effected unless it be in accordance with a legislative enactment prescribing the procedure and giving the requisite powers to legalize our action and subsequent measures for the adequate protection and conservation of such tracts.

Mr. Brandis states that in the provinces under the Government of India the reserves have, as a rule, been constituted without bringing the Act into force. This is doubtless true, but Government had it at their back to legalize their action if required. Land for public purposes is constantly acquired without application of the Act VI of 1857 for that purpose, but those concerned are well aware that it exists and that its provisions can be enforced should they object to the Collector's terms.

I submit that the persistent action of the Government of India in the direction of forest legislation alone negatives Mr. Brandis' assertion. Are we to suppose that the Government of India would have taken such pains to prepare and introduce an Act such as No. VII of 1878, the very essence of which is the power to reserve forests "the property of Government or over which the Government has proprietary rights" if such reservation can be legally effected without it?

5. To follow Mr. Brandis further he writes: "Demarcation alone is not sufficient; there must at the same time be efficient protection;" and again "it does not follow that your work will be beneficial to the country unless you secure the strict protection of the demarcated reserves. It is not sufficient that they shall not be cleared or broken up for cultivation, or portion of the demarcated area at least must be strictly protected against cattle and fires." Now is this to be done in the absence of a law under which the Courts and Magistrates will be bound to take cognizance of and uphold the action of Forest Officers in respect of forest offences?

6. To legally constitute forest reserves requires, in my opinion, a Forest Act and the appointment of a "Forest Settlement Officer" or Court under the provisions of such Act, and both in the draft of a local Bill prepared in 1875 by a Committee of which I had the honor of being a member, and in Act VII of 1878, as is prescribed that the officer appointed to inquire into and adjudicate on claims connected with such reservation shall not ordinarily be a person holding any forest office except that of Forest Settlement Officer.

To protect and conserve such forest reserves a Forest Act and Rules having the force of law based thereon is equally necessary.

7. Without such legal action I respectfully submit that any steps in the direction of the demarcation and constitution of forest reserves is merely harassing the people without any adequate and permanent good results to justify it, and placing Government, through their officers in the Forest Department, in a false and invidious position.

Most of the discontent and annoyance felt by the people with regard to forest conservancy measures in this Presidency may, I think, be attributed to two reasons: (1) the want of a duly legalized and permanent system under which the people would feel that their prescriptive rights would be duly considered and settled before any forest or its produce was reserved, but that once reserved it would not be alienated or thrown open except on very clearly substantiated grounds, and with the sanction of the Government of India; this is prescribed, (vide G.O. No. 1,862, dated 10th October 1871), but as no reserves have been legally constituted, remains a dead letter; (2) the attempt to adopt a system of conservancy all over the Government Forests instead of demarcating limited areas. This has been done with the idea that we should carry the people with us, but, as Mr. Brandis says, "experience soon showed this to be a delusion. Either forest conservancy all over the country is a name, and then it does no good whatever; or it is real, and then it means restrictions everywhere." That is what is annoying and harassing to the people."

8. A reference to the Government records connected with the Forest Department in this Presidency during the past fifteen years will, I think, abundantly prove the truth of the above assertion.

To collate for submission the various Government Orders bearing on the question would involve great delay in the submission of this letter, which I am anxious to avoid. I would, therefore, merely call attention to some of the most prominent which have come more immediately within my knowledge.

9. It will be seen that in Salem I selected and demarcated reserves on the G.O. No. 1373, dated 17th May 1866. Javadi Hills and elsewhere which were inspected by the Head Assistant, approved of by the Collector, the Board of Revenue, and Government, who went so far as to say: "these reserves should be accessible only to Government servants, and other persons found within their limits should be regarded and treated as trespassers" (G.O., No. 979, 9th April 1869).

A change in Collectors, Forest Officers, the Board, and Government and the reserves cease to exist because they had no legal or permanent foundation. I initiated similar measures in South Arcot in 1863 and 1869, chiefly with regard to firewood jungles. They may be said to have lapsed during Mr. Cadell's tenure of office as Deputy Conservator of Forests in that district, but have been revived by the energy of Mr. Woodbridge supported by the Collector for the time being, Mr. Garstin. It is these reserves, for the most part, to which Colonel Biddome refers in paragraph 8 of his letter recorded with Government Order under consideration and which form subject of Board's Proceedings, No. 688, dated 14th March 1878, now before Government. They have been maintained, but how protected may be gathered from the fact that 12 acres of good jungle have been alienated on putta and destroyed within the last two years within the boundaries of the

Kataramangalam Reserve selected by me in 1869. What guarantee is there that with a change of Collector or Forest Officer or both they should not all cease to exist?

In North Arcot, one of the districts selected by Colonel Biddome in which reservation should be commenced, a reference to the Government Orders quoted in the margin will show the difficulties which have been experienced, and are not yet overcome in forming a small reserved reserve at Ambear.

Similar objections would, doubtless, be raised in other parts of the district did we attempt to form more close reserves even with the Collector's full approval and support. (Vide paragraph 13 of Board's Forest Administration Report for 1872-73, recorded with G.O., No. 503, dated 24th April 1874). Such objections cannot be dealt with and prescriptive rights or privileges defined and commuted, except by an officer or officers duly empowered acting on a procedure prescribed by law.

The late Mr. Fullerton made extensive Government reserves both in the Wynad and Madura, and spent two years in the demarcation of the former; Mr. Peet can testify to what effect.

Mr. Kaye Puckle, when Collector of Tinnevely, proclaimed close reserves and selected grazing grounds along the whole line of ghats in his district, and his proceedings were duly approved of and sanctioned by the Board and Government; but all is now a dead letter, and Mr. Hayne will testify that this action, even when initiated and carried out by a popular Collector, possessing in a marked degree the confidence of the Board and Government, could never be enforced because it was illegal and not binding on the Courts.

In Kurnool, and doubtless in other districts, the same procedure has been from time to time adopted, and with like results. So-called reserves have been constituted to-day to be thrown open to-morrow, and the people prosecuted one year for doing what they are told they had a perfect right to do the next.

10. The case of the Annamalai reserved forest, which I am now called upon to demarcate as a close reserve, affords perhaps the most pertinent instance of what I submit for the consideration of Government. Twenty years ago under Captain (now Colonel) Michael it was a close reserve, the Forest Officer had magisterial powers and admitted or excluded people and cattle at will. A reference to the papers recorded with G.O., No. 806, dated 13th June 1878, will show the existing circumstances in this, the finest Government teak forest in the Presidency.

11. I would ask for special attention to paragraph 2 of my letter, No. 241, of 14th August 1874, recorded with the above Government order and to the context generally. Government, after four years' deliberation, adhere to their former decision and thereby leave the forest open to damage from trespass by man and beast, and annual fires in the face of which anything like real conservancy and reproduction is impossible.

Under such circumstances, with regard to which Government is doubtless well advised, I trust I may not be deemed presumptuous in submitting, as a Forester, that no good can result from selecting and demarcating so-called reserves of considerable expenditure of time and money, and annoying the people even for a time by calling upon them to prefer claims and submit to certain restrictions.

12. I venture to submit these remarks on an experience of fourteen years in the Forest Department, during which I have visited forests and inquired into the system of forest management in India from Lahore to Cape Comorin, in Great Britain, the continents of Europe and America, and the Australasian Colonies. It is my duty to obey any orders which I may receive, but I should fail in such duty did I not lay before Government the results of my experience on such an important subject for their consideration and orders.

13. If the selection, demarcation and attilement of State Forests be determined on, I would respectfully suggest a reference to the Law Officer of Government as to how it can be legally effected, and their subsequent adequate protection ensured, and I beg that I may be favored with further instructions for guidance, on receipt of which I shall be in a position to submit proposals regarding the powers and staff required to carry on the work.

If a Revenue Officer and a Survey Officer can be detailed in each district to work with Captain Walker, and the Collector gives his support, the Conservator does not see why reserves should not be clearly defined and roughly mapped out in each Forest Division, though an Act may be necessary hereafter to legalize conservancy operations.

Conservator,
23d August 1878.

(Signed) R. H. BEDDOME, Lieut. Colonel,
Conservator of Forests.

No. 103. ORDER THEREON, 13th September 1878, No. 1,467.

Forests, No. 1.

RECORDED. Captain Walker must be well aware that the questions referred to are under the consideration of Government, and that his investigation and report thereon are necessary for their proper determination.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under Secretary to Government.

To His Conservator of Forests.

Kd W. H. French.

on

45

note

Our forest officers
were prosecuted
for forest offences
i.e. mischievous
theft & murder
are punished.
I do not want
to see this be
the case if Govt
closed any forest
as they would not
do this unless
their rights over
it were uncertain
they can do
hide away portions



Handwritten text, possibly a name or date.

Handwritten text, possibly a signature or name.

RECEIVED
NOV 10 1911

Small printed text, likely a library or archival stamp.



20

From Capt. C. Walker 31st July 78.
To: the Commissioner of Forests 3rd Aug 78.

Recorded. Capt.
Walker must be
aware that the
question referred
to are under the
provisions of the
Act and that his
powers are necessary for
their proper
administration.

26/10

Very important letter
10th day

I think you are much
in the right. I agree. As
to the 10th day 10th day
simply wishes. More.

The Commission is not
instructed to do so. It is
to be done in the
best manner possible
from 2 of the 10th day 10th day

Selection & demarcation
of suitable forest must
precede the constitution
of reserves & it is this
duty that is entrusted
to Capt. Walker in
communication with
collectors. Whether
the selected tracts
are to be immediately
closed or the powers
afforded by a special
enactment awaited
is a question for the
determination of
Government in
each case.

2. No

Attention flapt
Walker is drawn
to his letter of the
19th May 74 No 97
(No 5th Dec 74 No 1507)
with the view
expressed in which
the Govt. generally
concur.

3. The subject of
Forest lands being
regularly undertaken
by the Rev. Survey
Dep: is under
consideration and
in the meantime
it is necessary that
Government should
know what portions
of the State forests it
will be advisable
to reserve & protect
from alienation &
that a record of
communal rights

The main point
is to know the location
of the boundaries of
the forest lands. as the
Govt. are now the
only persons who
know the location of
the forest lands & the
boundaries of the
forest lands.

or privileges where
the Govt. in such
Forest should be
prepared.

1507
Lae
off

7
The Govt. should
know the location of
the forest lands & the
boundaries of the
forest lands.

There is no doubt
that the Govt. should
know the location of
the forest lands & the
boundaries of the
forest lands.

The Govt. should
know the location of
the forest lands & the
boundaries of the
forest lands.

The report was
 then prepared
 by the
 when starting the
 paper right from
 the
 I am, Sir,
 yours
 (30/7)

22-8-78
 22-7-78

To
 Cobacand
 21st July 1878.
 12/7
 8

From
 Captain J. Campbell Walker,
 Deputy Conservator of Forests
 (On Special Duty)
 Cobacand.

To
 C. J. & Master Edgware,
 Secretary to Government,
 Revenue Department
 Cobacand.
 (Through the Conservator of Forests)

Sir,
 I have the honor to acknowledge
 receipt of G.O. No. 1118 dated
 20th instant, and to report that I
 intend leaving Cobacand for
 Coimbatore at close of the current
 week, if my presence be not requi-
 red by the Shikona Committee.

I regret that I had not an
 opportunity of conferring with Col.
 Beddome on the subject of Forest
 preservation before he submitted his
 letter, No. 274 of the 13th May, to
 the Government, in his communication to
 me on the subject which has been
 before

Before Government in a semi-official
form, suggested previous consulta-
tion between the Government
and myself failing which I
trust Government will permit me
to lay before them my views on the
subject.

3. Mr. Brandis considered
that the demarcation, settlement
and protection of Government forest
and forests might be carried out
without a Forest Act, and, in this
view, Colonel Redmond apparently
concurs, although I gather from
his letters, and a conversation I
have had with him, that he thinks
proceeding under the provisions of
an Act would be preferable in
every way.

4. In my opinion nothing
permanent nor satisfactory in
the shape of constituting and
protecting State or Communal
reserves in this Presidency can
be effected unless it be in ac-
cordance with a legislative
enactment prescribing the
procedure

procedure, and giving the requisite
power to legalize our action, and
subsequent measures for the ade-
quate protection and conservation
of such tracts.

Mr. Brandis states that in
the Provinces under the Government
of India the reserves have, as a rule,
been constituted without bringing
the Act into force. This is doubtless
true but Government had it at their
back to legalize their action if re-
quired. Land for public purposes
is constantly acquired without ap-
plication of the Act of 1857 for
that purpose but those concerned
are well aware that it exists and
that its provisions can be enforced
should they object to the collector's
terms.

I submit that the persistent
action of the Government of India
in the direction of Forest legislation
alone negates Mr. Brandis' asser-
tion. Are we to suppose that the
Government of India would have
taken such pains to prepare and
introduce an Act such as No. VII of
1878, the very essence of which is the
power to reserve Forests the property
of

of Government or over which the Govern-
ment has proprietary rights "if
such preservation can be legally
effected without it?

5. To follow Mr Brandeis further
he writes "demarcation, alone, is not
sufficient; there must at the
same time be efficient protection,"
and again "it does not follow
that your work will be beneficial
to the country unless you secure
the strict protection of the demar-
-cated reserves. It is not suffi-
-cient that they shall not be
cleared or broken up for cultivation;
a portion of the demarcated area
at least must be strictly protect-
ed against cattle and fires. How
is this to be done in the absence
of a law under which the
Courts and Magistrates will
be bound to take cognizance of,
and uphold the action of Forest
Officers in respect of Forest of-
-fences?

6. To legally constitute Forest
reserves, required, in my opinion,
a Forest Act and the appoint-
-ment of Forest Settlement Of-
-ficer or Court under the provi-
-sions

My opinion of the
proposed law
is that it is
not likely to
be of much
benefit to the
country unless
the Government
is prepared to
take the necessary
steps to enforce
it.

It is a
very
important
question
and
one
which
requires
careful
consideration.
The
Government
must
be
prepared
to
take
the
necessary
steps
to
enforce
the
law.

sign of land which is both in
the shape of a local Bill passed
in 1895 by a committee of which
I was the Secretary of the
and in 1897 of 1898, it is found
that the Officer appointed
to inquire into and adjudicate on
claims connected with the
reservation shall not, during his
period holding any Forest Office
except that of Forest Settlement
Officer.

The Forest and Conservancy
Board is a Board of
Officers having the form of a
Board of Officers is a Board of
Officers.

Without such legal action
I respectfully submit that any
the execution of the demarcation and
consolidation of forest reserves is
harassing the people without any
adequate and permanent good result
to justify it, and placing the
though the officers of the Forest
Department in a false and injur-
ous position.

Most of the measures and
arrangements made by the people and
regard to Forest Conservancy measures
in this Presidency may, I think, be
attributed to the Government.

of a duly legalized and permanent system under which the people would feel that their prescriptive rights would be duly considered and settled before any forest or its produce was reserved, but that once reserved, it would not be alienated or thrown open except on very clearly defined and limited grounds, and with the sanction of the Government of India; this is prescribed, (Order G.O. No. 1502 dated 16th December 1867) but as no reserves have been legally constituted remain a dead letter; (2) the attempt to adopt a system of Condemning all over the Government forests instead of designating limited areas. This has been done with the idea that we should save the people with a safe, secure, and permanent reserve, since we have shown this to be a delusion. Either forest Condemning all over the country is a failure, and then it does no good whatever; or it is real, and then it means restrictions everywhere. That is what is annoying and harassing to the people.

6. I refer to the Govt. records connected with the Forest Department in this Presidency during the past 15 years will I think abundantly prove the truth of the above assertions. To collate for submission the various Govt. orders bearing on the question would involve great delay in the submission of this letter, which I am anxious to avoid. I would therefore mostly call attention to some of the most prominent which have come under my immediate knowledge.

7. It will be seen that in Baluchistan, and in the mountainous regions on the border of the Punjab, where the forest is abundant, the people are not allowed to cut or use the forest.

Abundant forest in the district of Baluchistan, so the forest is not cut or used by the people.

G.O. No. 1178 dated 17th May 1866
 " No. 482 dated 20th Feb 1867
 " No. 1945 dated 9th May 1868
 " No. 1102 dated 9th October 1868
 " No. 970 dated 9th April 1869

inspected by the Head Assistant, approved by the Collector, the Board of Revenue, and Government who are to be satisfied. These reserves should be accessible only to Government servants, and other persons found within their limits should be regarded and treated as trespassers. G.O. No. 970 dated 9th April 1869.

A change in Collector, forest officers, the Board and Government and the reserves cease to exist because they had no legal or permanent foundation. I initiated similar measures in South Arcot in 1868 and 1869. Chiefly with regard to firewood jungles. They may be said to have lapsed during Mr. Cadell's tenure of office as Deputy Conservator of Forests in that District, but have been revived by the energy of Mr. Woodbridge supported by the Collector for the time being, Mr. Garstin. It is these reserves, for the most part, to which Colonel Beddome refers in para. 8 of his letter recorded with G.O. under consideration and which form subject of Board's Proceedings No. 688 dated 14 March 1878 now before Government. They have been maintained, but have been protected may be gathered from the fact that 12 acres of good jungle have been alienated and put to use and destroyed within the last two years within the boundaries of the Kharanagallu Reserve selected

Here or have human industry and paper for forest management.

by me in 1869. What guarantee is there that with a change of Collector or Board Officer or both they should all cease to exist?

In North West one of the districts selected by Colonel Biddens in which reservation should be commenced, a reference to the Government Orders quoted in the margin will show the difficulties which have been experienced, and are not yet overcome in forming a single firwood reserve at Simla.

Similar objections would, doubtless, be raised in other parts of the district did we attempt to form more close reserves even with the Collector's full approval and support; vide para. 13 of Board's Forest Administration Report for 1872-73 recorded with G.O. N. 503 dated 24th April 1874. Such objections cannot be dealt with prescriptive rights or privileges defined and committed, except by an officer or officers duly empowered acting on a procedure prescribed by law.

The late Mr. Tallentire made extensive Government Reserves both in the Punjab and Pradum, and spent two years in the demarcation of the former. Mr. Peet can testify to what effect.

Mr. Hays Peckle, when Collector of Simla, proclaimed close Reserves and allotted grazing grounds along the whole line of ghats on the

G.O. N. 454 dated
30th May 1874
N. 591 dated 14th
June 1874

Reserve

G.O. N. 1108 dated
21st Decr. 1872
" N. 134 dated
26th May 1874
" N. 906 dated
13th June 1874

his district, and his proceedings were duly approved of and sanctioned by the Board and Government but all was now a dead letter, and Mr. Hays will testify that this action even when initiated and carried out by a popular collector possessing, in a marked degree, the confidence of the Board and Government, could never be enforced because it was illegal and not binding on the Courts.

In Karnool, and doubtless in other districts, the same procedure has been from time to time adopted, and with like results. So called reserves have been constituted to day to be thrown open tomorrow, and the people prosecuted one year for doing what they are told they had a perfect right to do the next.

The case of the Anamullay reserved forest, which I am now calling upon to demarcate as a close reserve, affords perhaps, the most pertinent instance of what I submit for the

Consideration

consideration of Government.

Twenty years ago under Captain (now Colonel) Michael it was a close reserve, the forest officer had magisterial powers and admitted or excluded people and cattle at will. A reference to the papers recorded with G. O. will yet show 13th June 1878 will show the existing circumstances in this, the forest Government's Forest in the Presidency.

11. I would ask for special attention to para. 2 of my letter No. 241 of 10th August 1878 recorded with the ^{above} G. O. and to the content generally. Government after four years deliberation adhere to their former decision and thereby leave the forest open to damage from trespass by man and beast, and annual fires, in the face of which anything like real conservation and reproduction is impossible.

Under

13
Under such circumstances, with regard to which Government is doubtless well advised, I trust it may not be deemed presumptuous in submitting as a Forest that no good can result from selecting and demarcating so called reserves at considerable expenditure of time and money, and annoying the people even for a time by calling upon them to prepare claims, and submit to certain restrictions.

12. I venture to submit these remarks on an experience of fourteen years in the Forest Department during which I have visited Forests, and engaged with the system of forest management in India from Lahore to Cape Comorin, in Great Britain, the Continent of Europe and America, and the Australasian Colonies. It

is my duty to obey any orders
which I may receive, but I
should fail in such duty
did I not lay before Govern-
ment the results of my experi-
ence on such an important
subject for their consideration
and orders.

12. If the selection, demarcation,
and settlement of State Forests
be determined on I would re-
spectfully suggest a reference
to the Law Officer to Govern-
ment as to how it can be legally
effected, and their subsequent
adequate protection insured,
and I beg that I may be favoured
with further instructions for
guidance, on receipt of which
I shall be in a position to submit
proposals ~~regarding~~ regarding the
the ^{equipment} ~~frames~~ and staff to carry on
the work.

I have the honour to be,
Sir,
Your Most Obedt. Servt
Alfred Walker Esq
Deputy Commissioner of Forests
(Forest only)

1451
74

If a Reserve officer & a
Survey Officer can be fitted
in each District to work
with Capt. Walker, & the
Collector gives his support
the Com^r does not see
why Reserves should not
be clearly defined & well
mapped out in each Forest
Division, though an Act
may be necessary hereafter
to legalize conservancy
operations.

Comptroller.

3 August 78.

W. H. S. Esq. Secy
Com^r of Forests

