M.R.O. 1—5,006—16-10-50.

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MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No.	1051.	Press
~~B.P. No.~~		~~Mis.~~
Dated	17.9.1884	105

Not to be folded or roughly handled

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from C. A. GAITON, Esq., Acting Collector of Malabar, to the Secretary to the Board of Revenue (through the Conservator of Forests, Southern Circle), dated Calicut, 30th June 1884, No. 468 :—

With reference to Board's Proceedings, dated 3rd June 1884, No. 1864 / Forest 135, I have the honor to suggest that not only customary rights known or believed to be enjoyed by jungle tribes should be brought to the notice of the Forest Settlement Officer, but also all rights hitherto enjoyed by the public, as, for instance, rights of way. I make this suggestion with reference to a case which has actually occurred in the course of the settlement of the Chenat Nair forests. Mr. Brodie, finding that no one came forward to claim any right of way through the proposed forest reserves, although there are several tracks which have been used by the public for years and which cannot be closed without causing great hardship to those who have to pass through the Government forests to other forests, villages, &c., has nevertheless recorded such rights of way as existing and to be preserved for the public. The District Forest Officer has appealed to me on the ground amongst others that the Forest Settlement Officer had no power to pass a decision except upon *claims* preferred. I shall have to inspect the locality before I can decide the appeal on its merits. But with reference to the technical objection taken, I think the rules should expressly provide that the existence of customary rights known to have been enjoyed by the public should be brought to the notice of the Settlement Officer. Of course the settlement does not debar the Government from allowing privileges subsequently, but I gather the intention to be that all rights hitherto exercised should be inquired into and settled.

Endorsement by Major I. CAMPBELL WALKER, Conservator of Forests, Southern Circle, dated Anaimalai, 9th July 1884, No. 839.

Submitted. I have no objection to the words "or by the public" being inserted after "tribes" in rule 15, under Section 63 (*b*), Appendix B, of Board's Proceedings, No. 1864 / Forest 135, of 3rd June.

2. It is, however, only fair to the District Forest Officer, Wynaad and Pálghat, to state that he has explained to the Collector and myself that he brought to the Forest Settlement Officer's notice the existence of two rights of way admitted in the Chenat Nair forests, but objects to the third (which Mr. Brodie has admitted without any claim being preferred) on the ground that it is not a right of way, but merely a cattle track leading to the Government forests.

3. The Collector will decide this point on appeal, but the District Forest Officer was clearly in the right in urging everything in his power against what he regards as the creation of a right which was non-existent and unclaimed by any one.

RESOLUTION—dated 21st July 1884, No. 2495 / Forest 198.

Submitted to Government.

2. The Board considered it necessary that a special instruction should be issued to meet the case of jungle tribes who are illiterate and know nothing of proclamations

and notifications. If the public concerned in the continuance of any right are likely to make no claim through ignorance, it would certainly be more satisfactory that the Revenue officers or District Forest Officer should suggest to some person concerned to put forward a claim in order that the matter may be fairly decided.

3. No such action was taken in this case. The right of way was not claimed by any person under Section 6, and the Forest Settlement Officer appears to have no power to continue the right which becomes extinguished under Section 17; but this point will doubtless be decided by the Collector on appeal. If the Collector decides that the right is extinguished and considers that the matter is of sufficient importance, application can be made to Government to grant the right of way; but, as nobody took the trouble to claim it, probably it is not of much value.

4. As the rules regulating the procedure of Forest Settlement Officers are now under the consideration of Government, the Board submit Major Walker's suggestion that the words "or by the public" being inserted after the word "tribes" in the last of the proposed rules for their consideration.

5. There was no need for the Conservator to put forth excuses for the action taken by the Forest Officer.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
To all Collectors.
„ the Conservators of Forests.
Copy to the Deputy Conservator of Forests,
in charge of Central Office of Accounts.

Exd. J. Henricus.

Madras 1/Dec

NOTE FOR THE ~~UNDER~~ SECRETARY.

Board's Procs No 3103 / F.277 of 4th Sept 1884 has been by mistake omitted from G.O No 1051 of 17.9.84. Please have the G.O reprinted omitting the Bd's Procs above quoted. The Memo has been sent to the Board to withdraw

Go 9th May 84 no 586

15/5/85

The Govt consider the addition unnecessary.

W.S.

I consider that the proposed addition [illegible]

I think so; but the matter may be mentioned in [illegible]

Read herewith / Go thereon

This unnecessary & inexpedient to throw upon the Collectors & Head Office the duty of bringing to notice every petty pathway which may traverse the forests & thereby sufficient to meet the words "and in particular public rights of way" after the words "jungle tribes" in rule 15. This Shall be done.

W.S.

Rc 4984

REVENUE DEPARTMENT.

1884.

Board of Revenue,

MADRAS.

Printed July th.

Proceedings, 21st *July* 1884, *No.* 2495 / *Forest* 198.

Read 1st Augt 1884

Copy sent

Submitting to Government, with remarks, letter from Collector of Malabar suggesting that the customary *rights of jungle tribes* and all *public rights* should be brought to the notice of the *Forest Settlement Officer*.