

(1) Number of pages 7(2) Date of repair 21-6-28(3) Initials of the Referencer [Signature]

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<u>440</u>	Press Mis.
Dated	<u>16-4-</u>	<u>1885.</u>

Not to be folded or roughly handled

16TH APRIL 1885, No. 440, REVENUE. 10

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue, dated 16th March 1885,
No. ⁸⁷⁶ Forest 161 :—

Read—the following letter from J. S. GAMBLE, Esq., Conservator of Forests, Northern Division, to the Secretary to the Board of Revenue, dated Wudda-gudim, 2nd February 1885, No. 1873 :—

I have the honor to forward letter No. 439, dated 18th December 1884, from the Collector of Nilgiris, and to say that the general recommendation that the existing orders should now be somewhat modified, in order to ensure that the exercise of the permission to shoot in Government forests does not operate to prevent their protection from fire or other damage, entirely meets with my approval.

2. I think, however, that the recommendation of paragraph 7 of the Collector's letter must now be brought under the Forest Act (V of 1882), for I presume that at present the G.O., No. 237, of 7th February 1880, does not hold good under that Act as respects any class of Government forests. I have unfortunately been unable to obtain copy of the Government Order referred to by the Collector (also referred to in Collector's notice in recent District Gazettes republishing Madras Act II of 1879, and the orders under it), but I think the following proposals would meet the case :—

3. The Forest Act provides—

(a) In Section 21 (h) for the publication of rules regarding hunting, shooting, fishing, poisoning water and the siting of traps and snares in *reserved forests*.

(b) In Section 26 for the regulation of the same matters in *other forests*.

Our rules under this section (Rules 21 and 22) make hunting, shooting, the setting of traps and snares and fishing, unlawful without written permission from the Collector, but only in fuel and fodder reserves, grazing grounds and areas under special fire-protection. And they absolutely prohibit the poisoning of water on any reserved or unreserved land.

4. In regard, therefore, to "reserved lands," either the rules must be altered or the areas which are to be protected must be declared by the Collector to be either fuel and fodder reserves, grazing grounds or lands under special fire-protection. I think the latter course will be best, and that if Government cancels its Order of 7th February 1880, and the Collector issues one constituting all sholas which are reserved lands, but not reserved forests, lands under special fire-protection and ordering that a fee of Rs. 15 for the pass will be levied as hitherto, the requirements of the Act will be complied with.

5. For "reserved forests" the following rough draft of rules is submitted :—

Rules under Section 21 (h) of the Madras Forest Act (Act V of 1882), for the Reserved Forests of the Nilgiri District.

1. Any person who may desire to hunt, shoot or fish within the limits of the Nilgiri reserved forests during the season in which such hunting, shooting or fishing is allowed under the Nilgiris Game and Fish Preservation Act (Madras Act II of 1879), and the orders of Government issued under it, shall be bound to take out a yearly pass at the office of the Collector of the Nilgiris.

2. The payment to be made for each such pass will be Rs. 15, and the said pass will not be transferable. It will be available only for the currency of the calendar year to which it relates whether it be taken out at the commencement of, or during, the year.

3. The Collector may, from time to time, by notification in the District Gazette, declare that any particular reserved forest shall be closed against hunting, shooting and fishing in any year or during any portion of a year, and after the publication of such notification, no pass taken out under Rule 1 will be held to give authority to hunt, shoot or fish in such closed reserved forests.

4. The poisoning of water or the setting of traps or snares for game in any reserved forest in the Nilgiri district is absolutely forbidden.

5. Any breach or infringement of these rules will render the offender liable to imprisonment for a term which may extend to six months, or to fine which may extend to Rs. 500, or to both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

It will be, of course, understood that, as hitherto, the fees will be credited, not to Forest Revenue, but to the Game Preservation Fund.

6. I do not think it would be possible to have one rule for both "reserved forests" and "reserved lands," although, undoubtedly, the different penalties prescribed by the Act in one and the other case constitute a difficulty. The difficulty will disappear by degrees as "reserved lands" are converted into "reserved forests." The only localities in which, in my opinion, it will be at present advisable to stop the shooting are those sholas which, having been lately cut over, are now under reproduction, and the plantations, many of which are fenced and easily recognized.

ENCLOSURE.

Letter from L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary to the Board of Revenue (through the Conservator of Forests, Northern Circle), dated Ootacamund, 18th December 1884, No. 439.

I have the honor to request instructions on the following points in connection with the working of the Forest Rules under Section 26 and with the working of forests reserved under Section 16 of the Forest Act.

2. Under the notification sanctioned by Government in their Order, dated 7th February 1880, No. 237, persons desiring to shoot or beat for game in Government reserved sholas in the Nilgiri district on or after the 1st March 1880 are required to obtain a permission in writing so to do from the Collector on payment of a fee.

3. According to a notification under the Game Act, No. II of 1879 (Madras), the close season for large game commences on the 1st of June and ends on the 31st of October, and for small game it commences on the 1st of March and ends on the 30th September. So that for four months there can be no shooting under permits obtained from the Collector under the Government notification alluded to in paragraph above, but for the remaining eight months, shooting by those holding Collector's permits must be considered to be expressly sanctioned and allowed in Government reserved sholas, some of which have already become reserves after notification under Section 16 of the Act and others have been declared reserved lands under Rule 2 of the Forest Rules.

4. At present, it is understood that 75 persons have obtained these permits, and accordingly have the right to shoot in Government reserved sholas, whether they be "forests" or "reserved lands," up to the end of May next.

5. The question that now presents itself is, whether persons by merely paying Rs. 15 can be allowed to acquire the right of shooting in any Government shola independently of the control of the Forest Department. The first season may be said to commence about the end of December and to continue to the commencement of the monsoons, for parts east of Ootacamund up to about October, and for parts west of Ootacamund up to about June, in other words, to the commencement of the south-west and north-east monsoon, respectively.

6. It will therefore be seen that the permits to shoot which are issued by the Collector hold good during the greater part of the first season, and that such shooting will probably lead to fires, or certainly will be alleged by forest subordinates as an excuse wherever such fires occur.

7. Again, much damage may be done by the coolies employed to beat amongst young coppice.

8. The District Forest officer and I think it would suffice if the notification of the 7th February 1880 were so modified as to exclude from its operation all such forests and reserved lands as may from time to time be notified by the Collector as closed against shooting.

9. During the currency of the present permits, it is not proposed to interfere in any way, and it is hoped that the powers which are vested in the Forest Department by the Forest Act can be exercised without unduly curtailing the liberties hitherto enjoyed by sportsmen and without in any way prejudicing the operations of the Game Preservation Act.

Resolution—dated 16th March 1885, No. ⁸⁵ Fores 161.

Submitted for the orders of Government with the Board's recommendation that the Conservator's proposals contained in paragraph 4 of his letter be adopted, together with the draft rules suggested under Section 21 (h) of the Madras Forest Act, for the regulation of hunting, shooting and fishing in the reserved forests of the Nilgiri district.

2. It appears to the Board that the Government Notification of 7th February 1880, No. 237, is cancelled by the rules under Section 26 of the Forest Act, which have the force of law.

(True Copies and Extract.)

(Signed) C. F. MACCARTIE,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Conservator of Forests, in charge of Northern Division.

" " " " in charge of Southern Division.

" " Deputy Conservator of Forests, in charge of Central Office of Accounts.

" " Collector of Nilgiris.

Read—also the following Proceedings of the Board of Revenue, dated 16th March 1885, No. ⁸⁷ Forest 161.

Read—the following letter from L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary to the Board of Revenue, dated Ootacamund, 7th March 1885, No. 67:—

I have the honor to state, with reference to Rule 2 in paragraph 5 of the letter of the Conservator of Forests, Northern Division, dated 2nd February 1885, on the subject of granting licenses to shoot in Government Reserved Forests, that the close season for small game commences on the 1st March and for large game on the 1st of June, respectively. Small game shooting recommences on the 1st October and large game on the 1st November, respectively.

2. It will therefore be inconvenient to sportsmen to make the currency of the licenses correspond with the calendar year, as for one shooting season two licenses will be required. I would suggest that the sporting licenses be for the fasli year, i.e., commencing on July 1st and terminating on June 30th following, and that Rule 2 be altered accordingly.

3. In other respects, the proposals of the Conservator appear to the District Forest officer and myself to be well adapted to the requirements of the case.

Resolution—dated 16th March 1885, No. ⁸⁷ Fores 160.

Submitted to Government.

2. For the reasons assigned by the Collector, the Board support the proposal for the substitution of the term "Fasli" for "Glendar" in Rule 2 of the rules under

16TH APRIL 1885, No. 440, REVENUE.

Section 21 (h) of the Madras Forest Act for the reserved forests of the Nilgiri district.

(A true Copy and Extract.)

(Signed) C. F. MacCARTIE,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Collector of Nilgiris.
" " Conservator of Forests, Northern Division.
" " Conservator of Forests, Southern Division.
" " Deputy Conservator of Forests, in charge of
Central Office of Accounts.

ORDER—dated 16th April 1885, No. 440 Revenue.

Forest, No. 73.

The proposals made by the Conservator are approved. G.O., dated 7th February 1880, No. 237, will be cancelled.

2. The draft rules will be published, substituting the word "Fasli" for "Calendar."

(True Extract.)

(Signed) W. WILSON,
Ag. Secretary to Government.

To the Board of Revenue.
" the Public Department.
" the Superintendent, Government Press.

Exd. W. H. French.

50 Copies.

BOARD OF REVENUE, 16TH MARCH 1885, No. 876
FOREST 161.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from J. S. GAMBLE, Esq., Conservator of Forests, Northern Division, to the Secretary to the Board of Revenue, dated Wuddagudiem, 2nd February 1885, No. 1873:—

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2. I think, however, that the recommendation of paragraph 7 of the Collector's letter must now be brought under the Forest Act (V of 1882), for I presume that at present the G.O., No. 237, of 7th February 1880, does not hold good under that Act as respects any class of Government forests. I have unfortunately been unable to obtain copy of the Government Order referred to by the Collector (also referred to in Collector's notice in recent District Gazette republishing Madras Act II of 1879, and the orders under it), but I think the following proposals would meet the case:—

3. The Forest Act provides—

(a) In Section 21(h) for the publication of rules regarding hunting, shooting, fishing, poisoning water and the setting of traps and snares in reserved forests.

(b) In Section 26 for the regulation of the same matters in other forests.

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4. In regard, therefore, to "reserved land," either the rules must be altered or the areas which are to be protected must be declared by the Collector to be either fuel and fodder reserves, grazing grounds or lands under special fire-protection. I think the latter course will be best, and that if Government cancels its order of 7th February 1880, and the Collector issues one constituting all sholas which are reserved lands, but not reserved forests, lands under special fire-protection and ordering that a fee of Rs. 15 for the pass will be levied as hitherto, the requirements of the Act will be complied with.

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ENCLOSURE No. 1.

From L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary to the Board of Revenue (through the Conservator of Forests, Northern Circle), dated Ootacamund, 18th December 1884, No. 439.

I have the honor to request instructions on the following points in connection with the working of the Forest Rules under Section 26 and with the working of forests reserved under Section 16 of the Forest Act.

2. Under the notification sanctioned by Government in their Order, dated 7th February 1880, No. 237, persons desiring to shoot or beat for game in Government reserved sholas in the Nilgiri District on or after the 1st March 1880 are required to obtain a permission in writing, so to do from the Collector on payment of a fee.

3. According to a notification under the Game Act No. 12 of 1879 (Madras), the close season for large game commences on the 1st of June and ends on the 31st of October, and for small game it commences on the 1st of March and ends on the 30th September. So that for four months there can be no shooting under permits obtained from the Collector under the Government notification alluded to in paragraph above, but for the remaining eight months, shooting by those holding Collector's permits must be considered to be expressly sanctioned and allowed in Government reserved sholas, some of which have already become reserves after notification under Section 16 of the Act and others have been declared reserved lands under Rule 2 of the Forest Rules.

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6. It will therefore be seen that the permits to shoot which are issued by the Collector hold good during the greater part of the fire season, and that such shooting will probably lead to fires, or certainly will be alleged by Forest subordinates as an excuse wherever such fires occur.

7. Again, much damage may be done by the coolies employed to beat amongst young coppice.

8. The District Forest Officer and I think it would suffice if the notification of the 7th February 1880 were so modified as to exclude from its operation all such forests and reserved lands as may from time to time be notified by the Collector as closed against shooting.

9. During the currency of the present permits, it is not proposed to interfere in any way, and it is hoped that the powers which are vested in the Forest Department by the Forest Act can be exercised without unduly curtailing the liberties hitherto enjoyed by sportsmen and without in any way prejudicing the operations of the Game Preservation Act.

ION—dated 16th March 1885, No. 876
FOREST 161.

mitted for the orders of Government, with the Board's recommendation that servator's proposals contained in paragraph 4 of his letter be adopted, together with draft rules suggested under Section 21 (h) of the Madras Forest Act, for the prohibition of hunting, shooting and fishing in the reserved forests of the Nilgiri.

It appears to the Board that the Government Notification of 7th February No. 237, is cancelled by the rules under Section 26 of the Forest Act, which are in force of law.

(True Copies and Extract.)

Acting Sub-Secretary.

Secretary to Government, Revenue Department.
to the Conservator of Forests, in charge Northern Division.
" Deputy Conservator of Forests, in charge Southern Division.
" Collector of Nilgiris.

14.5.79 R. 1814.

REVENUE DEPARTMENT.

1885.

Board of Revenue,
MADRAS.

No 2174

Printed March th.

Proceedings, 16th March 1885, No. 876
Forest 161.

Verf 23/3/85

Submitting, for the orders of Government, with remarks, proposals of Conservator of Forests, Northern Division, together with draft rules, in regard to declaring all "Reserved Land" specially-protected tracts, as regards shooting, hunting, &c., in them.

REVENUE DEPARTMENT.

No. 2174. 2176.

From B. Rev.

Dated 16th March 35. 188

FOR ORDERS.

There seems to be no objection to Mr Gamble's proposals substituting Fash year for Calendar year:

The cancelling of a Public G.O. will require Counter initials of the Public Dept.

Suggest order 440.7/16.4.85.

The proposals made by the Conservator are approved. Government order. d. 7. Feb. 1885. No 237. will be cancelled.

The draft rules will be published, substituting the word "Fash" for "Calendar" year.

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16th Board of Revenue.
5 a Public Dept.
1 a Supdt. Govt. Secy.

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Sept 16/4
Print.

The Great H.E. Salomon

Commitments shall be
obtained before any

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Original
Govt. of (1885) Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 16th April 1885, No. 440.

APRIL.

Reserved Forests of Nilgiris.

Proposals with regard to shooting, hunting, &c.,
in the —, approved; and the rules ordered to be
published with the word "Fasli" substituted for
"Calendar."

6/5/13
26-7-14
29-3-16

46-228
15/8/32
22-6-37

MADRAS RECORD OFFICE.

Government Records.

Revenue Department.

G. O. (Printed).

Dated 16-4- 1885.

No. 440