

PRESS SERIES

G.O.N. No. 569

DATED 13th July 1897

[Despatch Abstract]

Resolving to give a statement
to the Hon. Mr. [unclear]

செப்பன்ருபவர் பெயர்
 செப்பன்ருவதற்காக எடுத்த
 கொள்கைப்பட்ட நாள் 10/99
 செப்பன்ரு மூத்த நாள் 6/24
 உறுதிப்படுத்தப்பட்ட
 6.9.2000

20.000 57

Copy

(3)

ERRATA

TO G.O. NO. ⁵⁶⁹ ~~529~~ REVENUE DATED 13TH JULY 1897.
published in the Supplements to the
Fort St. George Gazette dated 17th August 1897

In line 9 of para 4, insert a full stop after the word "litter" and read the remainder of the line as follows:- "In all but special cases, they are to be worked in"

In the penultimate line of the same para, for the words "articles or forest produce", read "articles of forest produce"

In line 24 of para 6, before the words "railways and factories" etc, insert the word "for"

Ootacamund,
20th Aug. 1897 }

W. Marjibauer
24.8.97
Ag. Asst. Secy. to Govt.

The Hon. Mr. George C. H. (5)

H.E. the Governor

Print?

Read "Addresses presented and replies delivered by Sir A.E. Havelock, G.C.M.G. G.C.S.I. on his first tour to the Madras Pres."

Order made.

H.E.'s ^{the G's} remarks in his reply to the address presented by the people of the long and District of Salem on the subject of the administration of the Forest Dept in this Pres^l will be communicated to the Board of Res: for information and for communication to the subordinate officers concerned

2 As promised by H.E., the necessity that exists for the closest supervision and "the most severe investigation" of anything that may appear "in the form of an abuse" shall be impressed on all officers connected with the adminⁿ of the Dept and they should also be informed that the Govt expects that they will conform to

val policy enunciated in
para 24 of G.O. 846 of 29th
1890.

to
for

Please see copy of the
vale Secy's D.O. herewith sub-
mitted. (The original is with the
and Registrar taken by their
connection with their subject)
referred address the draft G.O.
accordingly submitted for ap-
proval. It is submitted that it
not clear whether H.E. desires
a report should be called for
in the Collector of Salem on the
act of the exclusion of goats
in reserves. The question has

12 34.



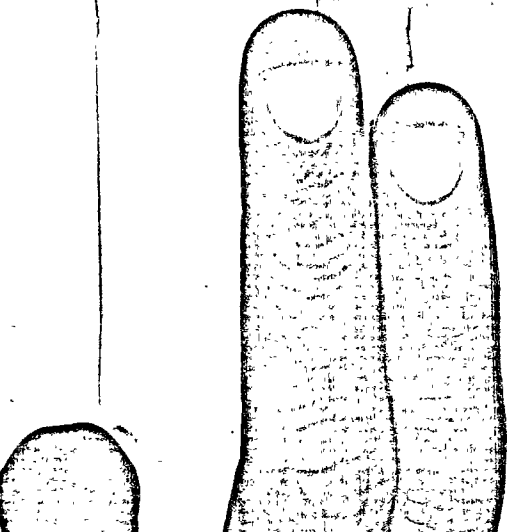
17

(4)

My dear Stuart,

Please see H.E.

the Governor's remarks re-
garding the exclusion of goats
from forests on page 18 of
the pamphlet containing the
addresses presented to and
replies delivered by H.E. on
his first tour. Will you kindly
let me know whether H.E. con-
ferred with the Collector on the
point and if so what the
result of the conference was



also whether it is desired
that any action should now
be taken in the Rev. Dept with
reference to H.R.'s remarks.

You will remember that
in July last, ^{copies of} the papers avail-
able in the office on the subject
of goat-browsing and among
them a copy of B.P. For no 602
of 11th Oct 1895 were furnished
to you. Another copy of the B.P.
in question is now sent for your
perusal and return.

Yours sincerely

David Davidson

B.M.
12.11.96

To H. C. Stuart Esq. J.C.S.
Private Secy to H.R. the Govt

Office
31.11.96
My dear Davidson,
Nothing further need
be done in this matter
of goat-browsing. His
Excellency spoke to the
Collector about it.

Yours sincerely
H. Altman

30/12

Police

①
Foot House
Grundy
3rd Dec^r 1896

My dear Stokes,

I enclose five
copies of addresses and
H.L. the Governor's speeches
during the first tour for
such action as may be
necessary

Yours sincerely

Signed H.L. Stuart

which are in the hands of the

the Hon. Mr. Govt. C. S.
H.E. the Governor (9)

Note

H.E. evidently wants the order to be published and it has therefore been thought desirable to briefly set forth the policy of this Govt. as evidenced by the concessions that have from time to time been made to the people. It seems inadvisable to say anything about the rapid increase in forest revenue

Read again G.O. 844 of 29.8.

1277 of 20.11.

489 of 9.11.9

888 of 19.11.9

261. of 10.5.95

553 of 14.11.95

325 of 10.5.95

Vales a. res. presented to and replies delivered by H.E. on his first visit.

Order

H.E. the C. in C. has reason to believe that considerable misapprehensions and doubts exist in several quarters as to the exact scope of the orders which it has been found necessary to issue from time to time in regard to the administration of the Forest Dept. in the Madras Pres. and with a view to removing all such misapprehensions and doubts, H.E. in C. resolves to recapitulate the substance of these orders for the information and guidance of the several officers concerned.

2. The main point of which misapprehensions are

likely to exist is the object
forest reservation. On this point
Govt cannot do better than
the in extenso the observations
made by it in para 24 of its
letter No 844 of 29th Oct 1890 and
replied to in his reply to
a do. dated to him on
1st July. The people of the
in and District of Salem. These
observations were as follows:-

"It is, however, most
essential to correct the idea which
wants somewhat widely that
soon as a forest is reserved
the land and men are to be excluded
and that it is to be worked for the
profit of the Govt rather than
the benefit of the people. It
must be too strongly affirmed
that the chief object of the reser-
vation of forests throughout the greater
part of the country is provision
pasture, small timber fuel and
wood for manure or litter. They
are to be worked in order to meet
the wants of the villagers in these
respects and are not to be con-

based on the
necessity of meeting

Sufficient pasture being
usually
available for them in

It is the cardinal principle
of forest administration, it was laid
down that

Special concessions were sanctioned
in regard to the grazing of agricultural
& domestic cattle, though

growth of large timber
After thus setting forth the ob-
ject of reservation the Govt
in the order above cited records
indicate
to sketch out the general
principles by which the constitution
and management of forest reserves
should be guided and remarked
that "the cattle actually required
for agricultural and domestic
purposes must have the first
claim on Govt reserves; and
"it was remarked"
"cattle should be
allowed grazing in the protected
areas only when the circum-
stances permit of it," the exten-
sive area of under or unoccupied
"conserved" lands, from which
being understood to be sufficient
to afford pasture for all ani-
mals for which no room could
be found in the forest reserves.
It was also declared at the
same time that the privileges
heretofore enjoyed by the people
with regard to the use of
over unoccupied lands should
not be interfered with unless
there were very strong reasons
for doing so. In accordance with this
policy and while some
reserves of land were

giving fees at nominal rates were charged
in fodder reserves
are ~~not~~ prescribed, not with any
view to the accumulation of revenue
but because ^{the} control and improve.
such reserves
used considerable etc.

and it was only equitable
that this should be defrayed by the
people for ^{was} benefit it is in-
volved, ~~long commissions were also~~
~~made in respect of purely agri-~~
~~cultural and domestic cattle.~~

3. The ^{privileges of the} privileges to
accorded to the ^{population} population
~~enjoyed by the people in res-~~
pect of unoccupied unreserved
lands ^{was indicated} ~~was set forth~~ in detail
in para 29 of the C. above
noted and ^{under} ~~these~~ as modified by
~~the amendments which were forwarded~~
necessary to read under Sec 26 of

the Forest Act. ^{By an order} ~~By an order~~
^{under these rules the} ~~under these rules the~~ ^{is settled} in each land.
~~private cattle they are to be allowed~~
fee of charge to graze ^{his} ~~their~~ cattle,
to cut grass, to collect dry wood
barks, leaves of trees and shrubs
that are not reserved, and to fell
trees other than those included in
a list of reserved or classified
trees, provided that the grass,
wood, barks, leaves or trees are

The substance of which has been
embodied in the rules

10-3-94
7-7-94
is settled in each land.

9

perhaps

from the
Bills

that or of neighbouring villages
"agricultural or domestic purpose"
4. The attempt to
distinguish between ~~unprivileged~~
including domestic and ~~land~~
agricultural cattle or as they
were then called "privileged" and
"unprivileged" cattle was subse-
quently found to "involve endless
trouble, ^{besides} ~~before~~ affording opportuni-
ties for extortion and encouraging
"false and vexatious complaints."
In Aug. 1895, accordingly, after
a careful reconsideration of
the subject, H. in C. decided
that ^{such} ~~the~~ distinctions ~~above~~
~~mentioned~~ should be abolished
and uniform that as a general
rule a uniform fee of three-
fourths of the maximum rates
previously prescribed should be
levied on all cattle including
sheep and goats admitted into
Bout reserves. It has been
since explained that ^{this} ~~the above~~
decision ^{must} ~~is~~ not to be inter-
preted as ^{abolishing} ~~to take away~~ any
special privilege ^{previously} ~~formerly~~ enjoyed
in particular ^{as} ~~in~~ ^{particular} ~~cases~~ ^{as} ~~in~~ ^{particular} ~~cases~~

localities no difficulty has been found in collecting
wileys in ~~woods~~ where special
rates have been in force and
which were
collected without difficulty
usually, imposed with the object of
preventing the flooding of
rivers with foreign cattle to the
detriment of ~~the stock~~ the inhabitants
of the neighbouring villages.

It must be
remembered that in the case
of classified trees in both reserved
and unreserved lands at the
disposal of Govt. the surcharge
rates now prescribed are only
to maxima and that Collectors
are competent to reduce these rates
to ^{such} extent ^{as may be necessary} ~~they like to suit~~
to meet the ~~growing~~ requirements
of particular districts and ^{of special} ~~particular~~
^{circumstances} ~~cases~~. These discretionary
powers ^{has} ~~are~~ vested in District Officers
with a view to ^{as calculated} ~~minimise~~ the
hardship ^{which might} ~~that may be~~ caused by
the inclusion in the classified
lists of trees ^{which} ~~are~~ ^{occasionally} ~~required~~
for ~~domestic~~ and agricultural
and domestic purposes. and H.E.
in Council trusts that the rule
is generally

In order for the to safeguard the
interests of the Govt. the forest to

possibility of prohibition or excise
charges being levied for articles
of forest produce which require
protection, it has been ~~referred~~
and down

A further provision
has been made because the
same object is embodied in
Sec 104 of the Forest
Code and which

G.O. 735
12.11.95

One more question of forest
administration in regard to
which it has not been found possible
to formulate a policy altogether
palatable to the Govt. is
the grazing of sheep & goats
Dealing with this subject in 1890,
the Govt. in

by the officers concerned in the
liberal spirit in which it was
conceived and promulgated. ^{Special}
~~that cases in which~~ free grants
of all ~~sorts~~ ^{descriptions} of forest produce may
be made to ~~or in the interest of~~
the ^{general} public ~~as well as~~ to indi-
vidual persons ~~as has been~~
provided for in Sec 104 of the
Forest Code Sec 20.

6. ~~The question~~
of the unrestricted admission
of sheep and goats into reserved
is not of easy solution. The
people in several of the
districts appear to hold very
strong views on the subject. See

para 28 of G.O. 844 dt 29.11.94-
Act 1890, ~~the Govt~~ has occasion
to ^{make the following} ~~remarks as follows~~

"It may often be necessary to
confine goats to special restricted
areas or to exclude them al-
together, but sheep are harmless
where goats are mischievous, and
there is no necessity to treat
these two classes of animals
alike." ~~As a reference made~~
less than would be made at the

was in March 1891 explained
that by the statement that
"sheep are harmless where goats
are mischievous" occurring in
the passage quoted, ~~that~~ was
merely "intended to convey the
idea that the damage done to
forest growth by the former ani-
mal was insignificant com-
pared with the ravages caused
by the latter and that con-
sequently both classes of ani-
mal ~~will not always be~~
~~treated alike~~" It is ~~admitted~~
~~admitted~~ ~~that the amount of da-~~
~~mage done by sheep and goats~~
~~is capable of doing to a growing~~
~~forest enormous~~ and it follows
therefore that ~~in the matter of~~
their admission into reserves
reserves to be subjected to restrictions
~~they cannot be treated on the~~
~~same way as other cattle. The~~
introduction of ^{special} schemes, drawn
up on the lines suggested by
Mr Popert in his letter embodied
in B.P. For No 602 of 11th Oct
1896, into those districts where
provision for goat browsing is

12
of Govt likely to minimise the
complaints now preferred against
the conduct of Forest Officers.
The Collectors concerned should
now be directed to take early action
with reference to the instruc-
tions contained in para 2 of
the B.P. quoted above.

7. As regards the
undue application of the penal
provisions of the Forest Act,
the views of the Govt have
already been distinctly expressed
in paras 9 and 13 of the
Forest Memo on the Forest
Admin Reports for 1891-92 and 1893-94.
In the first of these, in con-
nexion with the increase of
prosecutions and acquittals in
some of the districts of the
Pres. the Govt wrote: "His Ex^{ty}"
"the Governor in Council can-
not too strongly condemn any
tendency to unnecessarily harass
the people of the country by the
application of the penal clauses
of the Forest law and desires
that the Board will use strict
control in the collection of the

1277
20-12-92

31
20-1-95

districts above mentioned with a view to remedying the unsatisfactory state which appears to exist. In the second, in dealing with the same subject but with special reference to the compounding of cases, the Govt. wrote as follows:-

It is clear however from the statistics and rapid rise that has taken place during recent years not only in the number of cases reported but also in the amount of compensation realized from fees levied in compounded cases that Forest Officers are years by years making more extensive use of the powers given to them by the Forest Law; and to a certain degree this may reasonably be expected since the longer the law is in operation and the better the people are acquainted with its provisions, the more strictly it may be enforced. The total amount of compensation money realized during 1893-94 was however, more than double the amount levied

29
"considerably larger than the
"corresponding sum recorded for
"the preceding season of 15
"months. As the Board from
"ont, the Collector and District
"Magistrate of each district is
"responsible for seeing to the ex-
"tremity of compounding offences
"were indicated by the Govt. of
"India in reviewing the report
"for 1892-93. His Ex^{ty} the Governor
"in Council now resolves to reiterate
"the principles which should govern
"the exercise of this power. Cases
"in which the evidence does not
"appear to be strong enough to
"ensure conviction should be with-
"drawn altogether, and the power
"of compounding should be utilized
"only when the offender has clearly
"been committed by the individual

in question, but prosecution is
"deemed inadvisable owing to the
existence of special circumstances,
such as the petty nature of the
offence itself, ignorance of the law
the intervention of police officers or
"in the bringing of offenders to trial
"should be withdrawn."

3. The general principles
set forth in the foregoing paras are
virtually the same as those on
which the Govt of India in Oct-
1894 declared its forest policy to be
based. In its Lett No 227 of 1949
Oct 1894 that Govt inculcated the
necessity ~~importance~~ of managing forests
for the benefit of the people, of
meeting the claims of cultivation
as stronger than those of forest
preservation, of restricting rights

Not to be used 1894
7.12.96

100
12 91
necessary
to benefit in some cases
the general public and in
others the public of the
neighbourhood and of making
the derivation of revenue
from forest areas a matter
of secondary or minor
consideration. In
commenting

commenting upon this policy, the
Govt of India in its letter No 247
of 31st Oct 1894 writes the atti-
tude of this Govt to an aspect
of the matter to which the Supreme
Court attaches great importance.
It states that "there is no doubt
"that in certain provinces the
"strict forest administration which
"has prevailed of late years has
"given rise to serious discontent
"among the agricultural classes"
"and it is to be noted that
"satiation is, nevertheless,
"in matters of this kind, not
"a matter of opinion that the
"law is worked with due con-
"sideration for the interests of
"the people. The large increase in
"the percentage of cases compounded
"with the amount of compensa-
"tion, a

the necessities and the comforts of
their life from day to day. Cannot
[in the opinion of Govt be too
highly valued and the present
order is issued because it believes
the Govt, ^{the Board of Dist} and all responsible,
officers subordinate to them to ex-
amine from time to time and
whether the principles as set
forth above are legally and con-
sistently carried out. This pro-
cess of examination if ^{continued}
the y. ^{comes in} ⁱⁿ ^{long} ^{delay} ^{either} ⁱⁿ
the ^{points}
lines of the

"from a Magistrate's Court x x x

"It must further be borne in mind

"that delay in disposal is itself very

"harassing to the parties and

"or

The attention of all
officers ~~concerned~~ concerned
should be drawn to this matter
and they with the remark
that it should receive their
earliest and most careful
consideration

To the Board of Rev: d.R.

1877
15.11.97

might be lessened or removed
and that increased care and
watchfulness are in some
quarters needed to protect the
nymphs against the oppression and
rapacity of the low paid subor-
dinate of the Dept and of con-
tractors for the purchase of forest
produce. The Govt will also
take this opportunity to com-
municate to the Board H.R.
the Governor's remarks in his
reply to the address referred
to in para 2 Supra and to
request that as promised by
H.R. the necessity that exists
for "the closest supervision and
the most severe investigation
of anything that may appear
in the form of an abuse" may
be impressed on all District
~~and~~ ^{and} ^{subordinate} Officers. The
Board should also carefully
watch whether or not the policy
enunciated by Govt is strictly
followed and should call to account
those who have committed a
shortcoming in this respect.

Statement of Forest Block

(10)

*with a lot of notes
held in the office
of the 9th Dist. for
the 1st of the year
1897*

- Read again G. O. No. 841 d/ 22-0-90,
- 1277 d/ 20-12-92,
- 489 d/ 9-7-94,
- 888 d/ 12-12-94,
- 261 d/ 10-3-95,
- 553 d/ 14-8-95,

also addresses presented to and replies delivered by H. L. on his first tour.

This draft originates in the notes in order in P.O. No 2990 Res. of 7-12-96. The papers were not available until the order had issued (i.e. the 9th Dist.), & the office was from pressure of other work unable to put me up a draft until the 15th February. I was for the same reason prevented from taking up the file until this week, & then found it necessary to re-cast the draft.

Hon. Mr. G. G. Rose C.E.
H. E. the Governor.

The Clerk concerned had exceptionally heavy work throughout December & January & myself have been so occupied with the Goddard Resettlement proposals, & the 3rd done with, that I have been unable to take the papers up any earlier. The delay is regretted.

DS
18-3-97

25/3/97

Reserve Notes are exchanged by the Hon. Mr. G. G. Rose and myself. Please send the draft down to the Board for revision, as per agreed.

Order
P.S.

In more than one of the addresses presented during the recent tours of His Excellency the Governor, comments against the Administration of the Forest Dept. have been made in language which indicates a grave misconception of the nature and purpose of the Forest Dept.

2. The first matter which is brought
 forward to make clear is the object of Forest
 reservation. This cannot better be in-
 dicated than by reciting the provisions
 of the Act of October 3, 1890, when the Govt.
 expressed itself in the following terms:-
 "It is most necessary to correct the
 idea which prevails somewhat widely
 that, as soon as a forest is reserved,
 cattle and men are to be excluded and
 that it is to be worked for the profit
 of the Govt. rather than the benefit of
 the people. It cannot be too strongly
 affirmed that the chief object of

3. After thus setting forth the object of reservation, the Govt. in the same order proceeded to indicate the general principle regulating the constitution and management of ~~forest reserve~~ ^{res.} ~~res.~~ ^Δ. Particular stress was laid on the necessity of insisting that "the cattle actually required for agricultural and domestic purposes must have the first claim on the Govt. reserve". "Surplus animals" it was remarked "should not be allowed grazing in the protected areas" "only when the circumstances permit of it". For sufficient pasture was normally available for this class of cattle in the ~~large~~ ^{large} ~~large~~ ^Δ area of unoccupied and unreserved lands. Extensive privileges had previously been enjoyed by the ryots in regard to the use of unoccupied lands and their produce ~~there~~ and it was recognized that interference with the exercise

...the well-being of the agricultural
...the necessity of improving and
...the grazing grounds and the
...sources of supply of timber and fuel
...was declared to warrant such interference.
The necessary measures of control and
improvement, however, involved considerable
expenditure and, as the Govt. pointed
out, it was ^{only} equitable that
it should be defrayed by the people
who derive benefit from it and in
whose interests it is incurred. While
for this reason it was considered in-
discreetable to levy fees, as a general
rule for the produce of the forest lands
under control, it was expressly directed
that the charge for firewood should
be kept as low as possible, and special
concessions were sanctioned in regard
to the grazing of agricultural and do-
mestic cattle, the fees leviable in
respect of which were reduced by one-half,
collectors being at the same time
authorized in special cases to admit

such cattle without charge into protect-
ed areas.

4. The nature of the privileges conceded
to the ryot population in respect of un-
occupied unreserved lands was indicated in
the same order and has since been set out
more precisely in the rules issued under
section 26 of the Forest Act. In such areas
the neighbouring ryot is entitled without
payment to graze his cattle, to cut grass,
to collect dry wood, thorns, leaves of trees
and shrubs which are not reserved and to
fell ^{all} trees which do not come under the cat-
egory of ^{to} reserved and classified ^{species} ~~species~~
The sole restriction imposed upon the ex-
ercise of these privileges is contained
in the condition that the articles of fo-
rest produce removed must be required for
home side agricultural or domestic pur-
poses.

5. Subsequent experience showed that
the attempt to make preferential distinc-
tion in favour of agricultural cattle
could not be maintained without a dispro-
portionate amount of trouble and was in

C. 639
9-7-99
Lugg B

the Government and to consider
the same and was found that the
the Government had decided in
subject H. T. in Council, therefore
decided in August 1865, to establish
a distinction and in future to levy, as
a general rule, grazing fees, not
to three-fourths of the maximum rates
previously prescribed. These maxima, it
may be remarked, range from 8 annas
per head per annum in the case of
cattle, to 2 annas per head in the case of
sheep and goats, and had been charac-
terized by the Govt. of India as merely
nominal. The ~~orders~~ ^{provisions} are still
in force, but it has recently been ex-
plained that they must not be inter-
preted as abrogating any special gra-
zing privileges enjoyed in particular
tracts or as directing the disconti-
nuance of the levy of higher rates
imposed for special purposes, as in the
Nilgiris, where the Todas are allowed
free grazing and double fees are charged
in ~~certain~~ ^{certain} cases with a view to prevent
influx of large herds of cattle.

CO. 733 d/23rd Aug 1866
332 d/17th May 1866
Page E

CO. 733 d/23rd Aug 1866
332 d/17th May 1866
Page E

and the Government is desirous of the
stock belonging to the indigenous po-
pulation.

6. As further safeguard of the ^{rights}

Interests due has been taken to
place in the hands of District officials
a ready means of reduction, where
necessary, the charges paid for articles
of forest produce; for the carriage
rates prescribed by Govt. in the case
of classified trees where growing up-
on reserved or unreserved lands are
only maxima and Collectors are compe-
tent to make such reductions as may
be necessary in order to meet the re-
quirements of particular tracts and
special circumstances. This discretion-
ary power, if exercised in a generous &
liberal spirit as it should be, is cal-
culated to obviate any hardship which
might be caused by the inclusion in
the classified list of trees which are
occasionally required for agricultural
and domestic purposes.

A further provision designed to
secure a similar object is embodied

1

2010年12月10日

77-1540-1000

to it

The Government of Madras
 was subsequently advised by the Govt.
 in its main principle that Resolution
 coincided with the policy enunciated
 in Madras in October 1890 and H.E.
 The Governor in Council has not the
 intention of departing from the position
 which the Madras Government then occupied.
 The importance of a lenient and gener-
 ous forest policy affecting the
 Administration does the Forest interests
 of the vast agricultural population
 of the Presidency and closely interwoven
 as it is with the pursuits, the ne-
 cessities and the comforts of their every-
 day life cannot be too highly valued
 and it is incumbent upon all the res-
 ponsible officers concerned from time
 to time to examine whether, within the
 limits of their charges, the principles
 laid down by Government have been
 loyally and consistently carried out.
 Such examination is rendered the more
 necessary by the circumstance that

of the Forest Department.

with the opinion of H.E. 9.

the preservation and improvement of
 forests are naturally liable to place
 these objects before the benefit of
 the agricultural community and the
 claims of cultivation, and in the de-
 sire to show increased profits it is
 easy to forget the principle that the
 derivation of revenue from forest ac-
 res is a minor consideration.
 3. While, however, the principles
 laid down leave nothing to be desired,
 H. E. in Council is disposed to ques-
 tion whether in all cases the prac-
 tice approximates thereto as closely
 as it should. It is to be feared, that
 restrictions still remain, which in
 pursuance of the avowed policy of the
 Government might be lessened or re-
 moved, and that increased care and
 watchfulness are in some quarters
 needed to protect the ryot population
 against the oppression and rapacity
 of the low paid subordinates of the
 Forest Department and contractors
 for the purchase of forest produce.

Board of R. & L. R. 11/29/57.

14/4/97

24

GOVERNMENT HOUSE.
MADRAS.

124. April 1897

My dear Mr. Grove,

I am now quite satisfied
with this draft Order. It seems to me
to be rather partly and vague in parts.
Would you have any objection to its being
sent with a D. O. to the Board, asking
them to revise it?

Yours sincerely

A. C. C. C. C.

I have mentioned the matter to
Mr. Sturges. He will
be pleased to help.
A.C.C.

Statement of Forest Policy

Wm for Secy.

Recd
29/4/97

Dy 28/4/97

With reference to H.E.'s do to
Hm we give a the letter
up, the following D.O.
to the Board's Secy is
submitted for approval

Wm
27.4.97

D.O. to Bd's Secy L.R.

My dear Sir

In the opinion of
the Hon Secy in Council
the numerous complaints
at present made ^{by the public} against
the system of forest admini-
stration now in force appear to have
their origin in a grave
misconception of the policy
of that system. H.E. the
Govt. therefore desires
to issue a statement of the
policy which will, it is hoped,
make clear that the
system of forest admini-
stration embodied in the orders
from time to time pro-
mulgated, has for its main
end the protection of the
interests of

the time H.E. the Gm C
wishes to improve the fact-
in all concerned in forest-
administration, ^{also} so that
the policy of Govt may be
loyally & thoroughly carried
out.

I enclose a draft G.O.
which was prepared for
the purpose but which,
you will observe from
H.E.'s & the Secy's Mr Govis
D.O. attached thereto, does
not entirely meet with
H.E.'s approval. H.E. &
from Mr Govis desire
that the draft should
be revised by the Board.
H.E. has, I believe, discussed
the matter with Mr Sturrock

personally.
You may think
that the draft
is revised & returned at
date in time convenient?

We 27.4.97
With draft G.O. & D.O. attached
order as to whether all
papers should go on only
draft G.O.? If all
papers are to go (which
will be unnecessary)

Min
Type for Secy's signature
28/4/97

Revenue (1897) Department.

CURRENT No. 117

From J. Sturrock Esq.,
Pootacamund

Order

No.

Dated 2nd June 1897

Received 3.6.97

Registered 4.6.97

Enclosures

Spare copies

SUBJECT.

Returning the draft
order on the Forest Admin
in the Madras Bary.

Min (with papers)
28/6/97

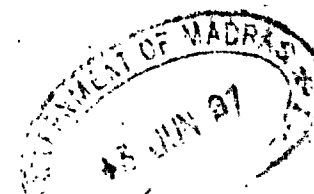
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

② Obtained
2nd June 1897



My dear Sir,

With reference to your
note to Com. of the 28th April, I
send herewith a revised draft
G.O. prepared in accordance
with the instructions contained
in your note.

I have talked over the
matter with P. S. P. and
shown him the draft, and

BACK PAPERS.

G.O.	No.	Department.	D.

So far as we can judge, all points calling for notice have been adequately dealt with in the draft.

Yours sincerely
Sturrock

D.O. No. 117

From the Hon Mr Sturrock

Dated 2nd June 1897.

The Hon Mr Gore C.E.
H.E. the Governor

FOR ORDERS.

+ Hay R.

I have passed the draft, adopting the amendments proposed by the Hon. Mr. Gore.

A | I suppose this G.O. will be communicated to the local press. I should like a few more copies of it for private use.

12.7.97

Very truly yours,
H.E. the Governor
13.7.97

Office
13.7.97

The revised draft of the G.O. is forwarded, prepared by the Hon Mr Sturrock in accordance with the desire expressed by H.E. the Gov and the H.M. is submitted for orders with the reference given therein duly flagged.

The draft embodies the main principles of local administration as then have been already settled. Authorities are given in the margin. In a few places additions are made not based on existing orders. These do not involve any important matters & Mr Sturrock has put in each point. It is submitted that the additions may be approved.

FOR ORDERS.

most of them the present
 of 30 is brief. The
 3 draft (prepared in
 5 Apr) was ~~sent~~
 then & it is submitted
 whether so important
 point in forest
 being so much set
 forth a ~~center~~
 length.

I think the corresponding part
 of the official report and the
 substituted for page 14

28
 A.S.T.

187
 11/2/97

Print
 Sec us' order
 15/7/97

Read again

(20)

- G.O.No.844 d/ 29-10-90
- 12874 d/ 12-12-92
- 1277 c/ 20-12-92
- 489 d/ 9- 7-94
- 988 d/ 19-12-94
- 21 d/ 22- 1-95
- 261 d/ 10-5-95
- 553 c/ 14- 8-95
- 235 d/ 28-6-96
- 2865 d/ 20-7-96
- 45 d/ 26-1-97
- also B.P.No.207 d/ 12-5-96
- 177 d/ 4-5-97

to 20 00
 723-696
 2597

Also addresses presented to and
 replies delivered by H.E.the Governor
 on his first tour.

Forward No. 118.

G.O. No 569 of 13th July 1897

This Draft seems to be a
 good one, but I have sug-
 gested some alterations.

28
 15/6/97

I consider this a very good draft. It embodies
 the humane and considerate spirit which
 pervades the pronounced Forest Policy of the
 Govt., but which is, I fear, sometimes forgotten
 in practice.

A.S.T.
 10-7-97

Amendment is defective, but this will doubtless
 be remedied in the Office.

In several of the addresses presen-
 ted during the recent tours of His Ex-
 cellency the Governor, complaints against
 the Forest administration of the Forest
 Dept. have been made in language which
 indicates a grave misconception of the
 policy which has been adopted by the Govt.
 The main object of Forest administra-
 tion being the protection of future ge-
 nerations from the improvidence of the
 predecessors, it is impossible for the Govt.
 to confine itself to measures which
 would be altogether in consonance
 with the wishes of those

the before the gradual disappearance of forest growth rendered some action the part of Govt. an imperative necessity, but it does not seem to be understood that it is the earnest desire of Govt. to restrict interference with and cherished customs ~~in the forest~~ ^{as far as possible} ~~possible limits compatible with~~ ^{with the} locally efficient protection and government of the forests and graving lands on which the continued agricultural prosperity of the country ^{so} much depends. With a view therefore to remove misconception on the part of the people, at the same time set forth in a condensed form for the guidance of all officers concerned the policy which has been gradually elaborated as experience has been gained, H.E. the Governor in Council resolves to issue a statement which amount to a re-statement of the salient points of the more important orders in force in connection with Forest administration, beginning with that of the 10 October 1890, ~~since~~ ^{since} which time there has been no change in the views of the Govt. as regards the general principles to be followed in dealing with the various questions which from time to time come up for settlement.

It will be convenient to deal with the subject under the following heads:-
 Selection of Forests for Reservation.
 Management of Reserved Forests.

As far as possible compatible with the

Flagged A

G.O. 844 dated 29-10-90.

Flagged A

[Handwritten mark]

*B.P. 246 d/31-10-92 recorded

with G.O. 1237 d/12-12-92.

Flagged B

G.O. 261 d/10-5-95.

Flagged C

V. Revenue

VI. Grazing.

VII. Minor Produce.

VIII. Forest offences.

3. Selection of Forests for Reservation

In 1890, after prolonged consideration and discussion, it was decided that it was necessary to have under Govt. control not only timber forests, and forests conserved from climatic considerations, but also all sources of fuel and fodder supply with regard to which permanency was desired, experience having shown that land left for common use was rapidly ~~ruined~~ ^{ruined} as population was advanced. It was also decided that all land so brought under control should be promptly formally settled and reserved, the advantages attending a definite determination of rights far outweighing the cost of reservation. In the same order it was stated that the reserves should be in fairly large blocks, but a further direction that sufficient land should be taken up to meet all estimated requirements in firewood, leaves and small timber, as well as for grazing, led to a misunderstanding in some quarters, and in dealing with individual proposals the Board and Govt. had frequently to draw attention to the necessity of leaving to the villagers an ample margin for the extension of cultivation for free grazing. In 1892* it was laid down that as an ordinary rule no area of less than 200 acres should be selected for reservation. In 1895 after some

order with the Govt. of India,
limit was raised to one square mile,
object being to avoid interference
village waste scattered through-
cultivated areas. The exclusion of
sufficient margin around village
has also been habitually insisted
of late years, and in cases in which
is overlooked in the early days
reservation, and inconvenience has
been known to result therefrom, district
officers ^{can} arrange for the demarca-
on, and if necessary the clearance, of
reasonable margin giving the villagers
written order under section 21 of the
Forest Act permitting the exercise of
ordinary village privileges with-
the area thus demarcated out. Sini-
rly when it is found that crops are
suffering from the depredations of pig
and other wild animals which find shel-
ter in areas which villagers formerly
kept free from forest growth, but which
have become re clothed under protection,
forest officers ^{can} arrange for the
termination of the animals by organi-
zing periodical beats, which all villagers
holding gun licenses should be invited
to attend.

Manager of Reserved Forests.
In the same order* of 1890 the Govt.
stated, in connection with the manage-
ment of reserved forests, that it was most
essential to correct the idea which pre-
vailed somewhat widely, that as soon as a
reserved, cattle and men were

note
This addition seems to be
unnecessarily placed from the way
in which Govt. for the last 10 or
15 years has insisted on the
provision of a margin.

proviso (a)
I quote the word, 'can', and
be substituted for 'should'. The
order is to be a declaration of
Forest Policy, not a set of instructions
to the officers. Sec 15 is general.

rule
I have recently ordered this
in a particular case. I have
heard of a good many complaints
of this kind, notably in the
Arach and Chimpaput and
the area between the two. I find
that the Regulation men have
made a mistake in the
order.

*G.O. 844 d/ 29/10/90.
Flagged A

I would say in all but
special cases. There are
some bits of forest land
where big trees are still
growing. See letter to
India 2.3.91. 173

to be excluded and the forest
for profit rather than for the benefit
of the people. It ^{can} not be too
ly affirmed that the chief object of
reserved Forests throughout the greater
of the country is the provision of
small timber, fuel and leaves for
or litter. They are to be worked in order
to meet the wants of the villagers in
these respects, and are not to be converted
into close preserves for the growth of
large timber. As control and improvement
involve expenditure, the levy of fees for
forest produce from areas under control
is indispensable, but as will be noted
in detail hereafter every effort is made to
keep them as low as possible in respect
of all articles of forest produce requi-
red for agricultural and domestic use.

Unreserved Land.

5. Under the rules issued under sec-
tion 26 of the Forest Act, all land at the
disposal of Govt. which is not set apart
as reserved land, or otherwise specially
assigned by Govt., is held to be "unre-
served land". It varies from fairly well-
clothed forest land in hill tracts to
barren waste which alone can usually be
found in thickly populated agricultural
centres, and includes, with rare exception,
every block of unoccupied land which is
less than one square mile in extent. Under
Rule 7 of the rules all but the most va-
luable articles of the forest produce of
unreserved land is left for the free and
unrestricted enjoyment of the inhabitants.

pages, so far as is necessary to local requirements for agricultural and domestic purposes. These unreserved form true village forests, the reference of the district and local authorities, except for the preservation of the more valuable trees, being contemplated under the Rule only. Heads of villages are unable to prevent manifest abuses, or when disputes arise as to the villages whose inhabitants are entitled to the use of the produce of any particular area.

With regard to the more valuable trees, which would soon become extinct if they were not kept under control and charged for, it is intended—as pointed out by the Board of Revenue in submitting the draft rules—that the forest grown on unreserved land is to be left for the use of the local agricultural community, and is not to be cut for sale to outsiders. This rule should only be deviated from in localities in which the supply is obviously in excess of local requirements. Even when a surplus produce exists, and is given in contract, it has been directed* that village sites and all other areas which are distinctly village are to be exempt from the operations of forest leases and contracts.

Timber and fuel

Only a very small proportion of the forests of the Presidency are capable of producing large timber under

Para. 4 of the E.P. in G.O. No. 488 dated 9/7/94. *flagged D*

+ 4th para. This is meant for 'lands'.

ASH

Para. 4 of G.O. 489 of 9/7/94. *flagged D*

I don't say 'communal land' because it is not really to villages. The word 'Paramboko' is used in another sense as well.

UP. 22/12/94

H.P. 288 d/ 23/5/96 read in 1910. profitably brought to market. These 285 dated 23/6/96.

almost invariably hill forests, or situated in tracts inhabited only by forest tribes, and a few scattered cultivators. Such forests will naturally be worked on strictly commercial principles as regards larger timber, but as small timber, bamboos and fuel will have no special value, concessions may be freely made with regard to these articles, ~~from reserved forests in such tracts~~, when requirements of the kind for local use cannot be supplied from unreserved land. In the case of reserved forests nearer to well cultivated tracts, where all forest resources must be carefully husbanded, free supplies cannot ordinarily be permitted, but it is a recognised rule that local demands, even from Reserved forests, are to be supplied at low and at competition rates and in the preparation of working plans and schemes the effect of the scheme upon the neighbouring villagers in the matter of wood supply has always to be taken into consideration. The seigniorage fees prescribed for trees on unreserved lands are by no means high, and while Collectors are not authorized to raise them, they are empowered to reduce them whenever they see reason to do so. This discretion should be exercised in a generous and liberal spirit when classified trees are required for agricultural implements.

These words may be omitted. They are unnecessary & make the sentence involved.

28. 2. 94.

*B.P. 207/12-5-96
1-6-96
flagged E*

The following is a list of the trees which are to be reserved in the forests of the Presidency.

have been fixed for supplies from
 ved Forests, but ~~also~~ ^{when} these forests
 run on to meet local requirements
 when they are worked for small tim-
 and fuel to supply larger towns &
 meet commercial and industrial de-
 mands such as Railways and factories
 is usual to meet local requirements
 rates equivalent to the storage
 charges for unreserved lands, plus a small
 charge for felling and conversion con-
 ditions to that effect being inserted
 in agreements when the work is entrusted
 to contractors. Instructions have al-
 been issued for the permission of
 free gleaning of wood below 2 or ~~1 1/2~~ ^{2 1/2}
 inches in girth from areas recently
 felled over, in places where the per-
 mission would be readily availed of by
 the people, and the gleaners would have
 no opportunity of disposing of the pro-
 duce removed by them to others than
 adjacent cultivators for whose benefit
 the concession is intended. Section 104
 of the Forest Code also provides for
 free grants to village communities or
 to private individuals in cases of
 necessity.

Grazing.

In the early days of forest
 conservancy the operations of the De-
 partment were mainly restricted to the
 felling of timber and fuel for commer-
 purposes and the rigid protection

* G.O. 205-8/23-6-96
 flagged F

*I would say, where there are
 people to take advantage of
 and the gleaners are not to
 dispose*

Papers read in G.O. 285 of
 23-6-96. **flagged F**

flagged F

para. 4 supra
 was reserved, cattle and
 excluded. Since reservation has been
 adopted on a large scale, it has always
 been recognised that grazing must be
 provided for in any scheme for the
 management of Reserved Forests, and in
 the papers recorded with G.O. No. 285 of
 23-6-96 it will be seen that the con-
 servator, Central Circle, has recorded
 his opinion that the successful man-
 agement of grazing areas will be
 the most important feature in forest
 administration for many years to come.
 The same papers show that the other
 Conservators are no less alive to the
 importance of the question, and anxious
 to dispose of it in the manner most ac-
 ceptable to the people, so far as is
 compatible with such protection as is
 absolutely necessary to prevent the
 gradual deterioration of forest and gra-
 zing areas. When fellings have taken
 place, or when areas have deteriorated
 owing to overgrazing a period of rigid
 protection is absolutely necessary,
 it has been impressed upon Forest Of-
 ficers that it is a point of first im-
 portance that matters shall be so arranged
 that the areas closed at one time
 not be so large as to cause undue
 inconvenience to the people. The improvement
 of grazing capabilities resulting from
 a period of closure will soon make
 apparent to the people, and in the

District Forest Officers

Direct their attention to the

of carrying out the plan

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It is necessary to prevent
a misunderstanding - we have
agreed, with the intention for
ample, to allow, but it would be
to allow, unless, to allow, for
reasons, to allow, for
reasons, to allow, for

I agree of this, it is a
and, it is a
by, it is a
for, it is a

G.O. No. 552 d/ 14-10-95.

flagged G

that

*Buffaloes 0-3-0

Bulls 2 cows 0-3-0

Sheep & goats 1-6-0

I have not in, as per 202
2029, 0490844 (Bull, cow, buffalo)
calves, horses and goats
2. This "2" is meant for 4
and 2029, 0490844

34

sanctioned only in respect of
districts in which the higher
previously been charged and coll
without difficulty, and even in one
these districts the higher ^{fee} former
collected has recently been reduced to
the standard scale.

9. Owing to the serious damage which
goats cause to forest growth it is im-
possible to admit them into Reserved
Forests as freely as cattle and sheep,
and owing to the manner in which they
are able to pick up a subsistence from
lands on which cattle could find none
the necessity for admitting them is not
so great, but in localities where goats
are numerous, and the extent of unrese-
ved ^{land} is small, Govt. is desirous that so
provision should be made, and the Board
of Revenue has therefore instructed
District officials to make such arrange-
ments for goat browsing as may be
found practicable.

10. In the regulation of grazing in
Reserved forests the division of the
grazing areas into blocks of manageable
size and the restriction of the number
of cattle to be grazed in each, is un-
doubtedly a goal to be aimed at, but be-
fore this can be satisfactorily done
the capabilities of ^{the} various classes of
forests must be accurately gauged, and
as the enforcement of an arbitrary limit
which had the effect of giving some
owners of village cattle an advantage
over others who considered they

B.P. 602 d/ 11-10-95.

flagged H

claim is reported to have
 al instances given rise to much
 isfaction, Govt. has ruled that for
 present the number of cattle to be
 ized in reserve should not be re-
 oted*. This decision having been
 sed on reports that restriction has
 used dissatisfaction among local
 ttle owners, it will of course be un-
 rstood that the prohibition of res-
 iction is not intended as an instruc-
 on to District Forest officers to in-
 scriminate throw open to outsiders,
 rests which have hitherto been reserv-
 for the supply of local demands.

In the rules for the issue of
 raits for grazing*, provision is made
 Rule i for the division of the re-
 erved forests of a district into gra-
 g blocks, but for the reasons given in
 e paragraph last preceding the size
 the blocks is left entirely to the
 scretion of the local authorities.
 d the prescription in Rule iii of a
 ale of fees for each block, is not
 tended to preclude Forest officers
 on sanctioning the exchange of a per-
 ou block for a permit for
 t for another in tracts in which no-
 lic grazing is customary and regarded
 unobjectionable.

Fodder.
 In the order of 1890, which
 already been frequently referred to,
 ss was laid on the desirability of
 ng and storing grass for sale when
 angements would be shown to be

*G.O. No. 15 dated 23rd Jan.

Flagged B1

*G.O. No. 15 d/ 20th Jan. '27.

Flagged B1

*This explanation is necessary
 on account of representations
 from Comptroller and from
 the village.*

Approved

Flagged A

*The removal of the
 annual grass crop
 would benefit*

*I think this should be
 omitted. See my first
 memo on the
 subject.
 I found the Hon. Mr. Gane in his remarks.
 That, I would say that these passages are
 are useful, and that for that reason, it would be
 a pity to omit them. How would it do to alter the
 passages in this way: that each passage
 should begin with the words, "In the daily use"
 and that the word "and" should be omitted, and
 the word "to" kept. A. on the other hand
 substituted first?*

G.O. 2885 d/20-7-93.

Flagged C1

nience and interests of the people
 fortunately it is only in a very few lo-
 calities that the people are in the habit
 of using dried grass as fodder, and the
 valuable resources of the forest, in this
 respect are generally wasted. This is the
 more to be regretted as areas tempora-
 rily closed to grazing for the regenera-
 tion of forest growth, or for improve-
 ment ^{as} grazing grounds, would benefit
 removal of the annual grass crop. District
 Forest officers should do everything in
 their power to encourage the use of cut
 fodder, and the practice of inviting ry-
 ots to enter reserves and cut grass free
 in localities in which there is no de-
 mand for it ^{or} payment, should not be ab-
 bandoned merely because it meets with
 no ready response.

13. Minor Produce.

Under Rules 7 & 13 of the rules
 for unreserved lands the free use of mi-
 nor produce is generally left to the
 people, and it was recently pointed out
 by Govt. that complaints that villagers
 had been deprived of the free use of
 fuller's earth, lime and stones were the
 result of a mistake which was rectified
 by the Collector of the district as
 soon as the matter was brought to his
 notice. District officers should use spe-
 cial care to guard against any recurrence
 of mistakes of the kind in entering into
 agreements with contractors and in the
 connection it is noted that the Eco-

is to report whether any modification
the working of minor produce in their
stricts is called for in the direction
withdrawing from any operations which
may be found to unnecessarily harass the
general population.

4. Forest Offences

In connection with prosecutions for
forest ~~offences~~ the Govt. has repeatedly
deprecated any tendency to harass the
people of the country by an indiscriminate
application of the penal clauses of the
Forest Act. It has laid down as a general
principle that simple trespass should
not be treated as an offence at all, un-
less there is reason to suspect that it
is likely to lead to more serious offences,
and with regard to the power of com-
pounding offences vested in District Forest
officers, it has enjoined that cases in
which evidence ~~does~~ does not seem to be
strong enough to ensure conviction
should be withdrawn altogether, and the
power of compounding utilised only
when the offence has clearly been com-
mitted by the individual charged, but
prosecution is deemed unnecessary in
the circumstances of the case and would
be regarded as a harsher measure by the
defendant himself. It ~~has~~ also directed
the Dept. should withdraw from the
prosecution of all petty cases in which
there has been unnecessary delay in
bringing the offenders to trial.

H.E. the Governor in Council be-

Classed VI

G.O. 1277 d/ 20-12-92. *Classed E*
G.O. 31 d/ 22-1-95. *Classed F*

I think two para in the
Office Draft - pages 9, 10, 11,
12 is better than this &
and the substituted for it
for. Insert here,
beginning with the words "the principle"
which, at line 5 of para. 7 of the old
draft, & the end of para. 7, and omitting
the end of this para. 14 & the new draft
G.H.

Here insert & omit -
Paragraphs 11-14
11 & 12 of old draft
H.E.
13-2-97

believes that the principles laid
in this order are as liberal as is
possible without disregarding the true
interests of the country, and ~~he~~ relies on
local officers to see that they are
given full effect to in arranging the
details of district administration,
that every effort is also made to pro-
tect the ryots against oppression and
rapacity on the part of the low paid
subordinated, or departmental contrac-

13-7-97
13/7/97
2/6

To the Secy of Rev. (H.E.)
100/2

(37)

G.P. = 602/111/1885
Copy H

(inserted from here)
in the report of the
Forest Administration
for 1891-92
the

it is unavoidable that the
admission into forest reserves should
be regulated and controlled with greater
stringency than is necessary in the
case of other estate. It is obvious
that no general scheme of control
would suit the varying requirements
of all the different districts in the
Presidency and the Board of Revenue
has therefore with the approval of Govt.
left the arrangement of the necessary
details to the District officials who
have been instructed to make such pro-
vision for ~~the~~ ^{goat-} ~~the~~ ^{breed} as may be
found practicable.

7. In regard to another important
question of Forest policy viz., the ex-
tent to which recourse ^{should} ~~be~~ be had
to the penal provisions of the Forest
~~Act.~~ ^{the} policy which the
Govt. has prescribed is clearly set
out in the review of the Forest Ad-
ministration Reports for 1891-92 and
1893-94. In the first of these papers
the difference in the

Presidentcy the Govt. writes: "H. H. the
Governor in Council cannot too severely
condemn the tendency to misinterpret
the people of the country by the
application of the penal clause of the
Forest law, and desires the Board will
issue strict orders to the Collectors
of the districts above-mentioned with
view to remedying the unsatisfactory
which appears to exist". In the latter
view the following remarks were made
regarding the same subject, but with
reference to the compounding of
offences against the Forest laws:—
It is clear however from the steady
and rapid rise that has taken place
not only in the number of
offences reported, but also in the amount
of compensation realized from these levied
compounded cases that Forest Officers
year by year making more extensive
of the powers given to them by the
Forest law; and to a certain degree this
necessity to do so

38
longer the law is in operation
however the people are acquainted
its provisions, the more strictly
be enforced. The total amount of com-
pensation money realized during 1895-6
however, more than double the amount
collected four years previously and was con-
siderably larger than the corresponding
sum recorded for the preceding season
of 15 months. As the Board points out,
the Collector and District Magistrate
of each district is responsible for seeing
that the law is worked with due consid-
eration for the interests of the people.
The large increase in the percentage
of cases compounded and in the amount
of compensation levied is, nevertheless,
a matter of serious import. The danger
attaching to the system of compounding
offences were indicated by the Govt. of
India in reviewing the report for 1892-3.
H. H. the Governor in Council now
resolves to reiterate the principles
which should govern the exercise of this
power. Cases in which the evidence does
not show that the offender is a habitual
offender should be treated as such.

power of counselling should
 when
 and only the offence is clear
 committed by the individual in
 action, but prosecution is deemed
 advisable owing to the existence of
 special circumstances, such as the
 nature of the offence itself, ignorance
 of the law on the part of the offender
 or distance of the scene of the offence
 from a magistrate's court.....
 "It must further be borne in mind that
 "delay in disposal is in itself very
 "harassing to the parties concerned, and
 "petty cases in which there has been
 "long delay either in the institution
 "of prosecutions or in the bringing of
 "offenders to trial should be withdrawn."

8. The general principles upon which
 the Govt. has declared its Forest policy
 to rest, are virtually the same as those
 upon which the Govt. of India subse-
 quently laid stress in its Resolution
 No. 22 F dated 19th October 1894. In
 that Resolution the Govt. of India

The proof of the
 Forest policy is
 submitted for approval with
 a note from the Registrar
 suggesting the advisability
 of publishing the G.O. in
 the Fort St. George and the
 District Gazette, for the information
 of the people, in English
 and in the Vernaculars.
 I have secured out
 a number of Comanas
 which the Examiner had
 put in and which appear
 to me to be unnecessary.
 It is presumed that except
 in cases where the absence
 of a Comana might lead to
 a misapprehension of the
 meaning it should not be
 used.

Attention is specially
 solicited to the penultimate
 para of the G.O. which as
 it now stands does not
 seem to be quite correct. It
 will be noted that after
 stating that trespassers are
 not to be prosecuted, the sentence
 goes on to say "and with
 regard to the power of com-
 pound" ^{simple} "the sentence
 goes on to say 'and with
 regard to the power of com-
 pound' " ^{simple} "the sentence
 goes on to say 'and with
 regard to the power of com-
 pound' "

presently
relate to the
taken in the matter
pounding offices. orders are
solicited.

The Registrar's sug-
gestion seems to be a very
good one and it is regretted the
the matter was not brought
to the notice of the Govt.
very early when the papers were
first submitted. The
orders may perhaps be taken
at the point and a new
para added in the Ord. in
Govt. of India. Re. m.

directing its publication
in gazettes concerned.

10/10
25/11/37

[Faint handwritten notes and signatures]

11/11/37
(40)

would it not be better
to publish this order
in the Fort St George
and all District
Gazettes in English &
in the vernacular.

The public - especially
the ryots - would then
know the exact prob-
policy of Govt & the
Department itself
would become more
popular than ^{it is} at
present.

I think it is not sufficient
to place the C.P. on the R.S.
very few would care
to buy & treat it.

(97)

Office note No. 7
From 10.

The Secy to
Rev. Secy

The Lupt Govt Res

The undersigned has
the honour to request that
G.O. No 569 Rev. dt 13th July
1897 regarding the Forest Rules
of the Madras Govt may be
published as ^a Supplement
to the Fort St George Gazette
and that arrangements may
be made for the supply of
to Collectors for its
copies for its republication
in all the District Gazettes
of the Pres.

O.M. to the Board of
Rev. Land Rev.

The undersigned ^{is directed to}
honour to state that it has
been decided to publish G.O.
No 569 Rev. dt 13th July 1897
in the Fort St George and all
the District Gazettes and to
request that ^{instructions}

ned to ~~add~~ Collector

published in
with translations

copied in vernacular or

of the district.

11/11/97
9/8/97

Asacamand

10th Aug. 1897

note

Asacamand
above are submitted in accordance with the underlings orders attached

11/11/97

It is thought that the
Forest Policy may be submitted
to the Fort St. George & District
Sargents. & the above drafts
are submitted so that this
may be done

11/11/97

11/11/97

11/11/97

42

Government (1897) of Madras. REVENUE.

Recd.

Regd.

1897.

Enclosures

Spare copies

G.O., No. 568, 20 13th July 1897.

think this should have been considered
with greater importance - They
has evidently been very carelessly done
JULY.

19/8/97

42

Forest Policy.

Resolving to issue a statement enunciating the — of the Madras Government.

No. 569, REVENUE, 13TH JULY 1897.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., No. 844, Revenue, dated 29th October 1890.

ABSTRACT.—Passing orders on papers relating to various questions connected with the provision of pasturage, fodder, fuel and small timber for the agricultural population

READ—again G.O., No. 1237, Revenue, dated 12th December 1892.

ABSTRACT.—Draft notification, under section 4 of the Forest Act, for the proposed constitution of the Bogaram reserve in the Vinukonda taluk as a reserved forest, approved and ordered to be published in the Fort St. George and Kistna District Gazettes and the Conservator's proposal to fix the area for reservation ordinarily at 300 acres accepted.

READ—again G.O., No. 1277, Revenue, dated 20th December 1892.

ABSTRACT.—Reviewing the Forest Administration Report of the Madras Presidency for 1891-92.

READ—again G.O., No. 489, Revenue, dated 9th July 1894.

ABSTRACT.—The revised draft of the rules under section 20 of the Forest Act (V of 1893) submitted by the Board of Revenue, approved with certain modifications and ordered to be published in the Fort St. George and all District Gazettes.

READ—again G.O., No. 888, Revenue, dated 19th December 1894.

ABSTRACT.—Communicating to the Board of Revenue, for information and guidance, the resolutions of the Government of India enunciating the principles on which the future administration of the Forest Department should be conducted, and addressing the Government of India on the subject.

READ—again G.O., No. 31, Revenue, dated 22nd January 1895.

ABSTRACT.—Reviewing the Forest Administration Report of the Madras Presidency for year 1893-94.

READ—again G.O., No. 261, Revenue, dated 10th May 1895.

ABSTRACT.—Letter from the Government of India, communicating remarks on the subject of forest policy in the Madras Presidency, communicated, with remarks, to the Board of Revenue, and a copy of the rules under section 26 of the Madras Forest Act ordered to be forwarded to the Government of India.

READ—again G.O., No. 559, Revenue, dated 14th August 1895.

ABSTRACT.—Adopting the recommendation of the Board to do away with the distinction between privileged and unprivileged cattle, and requesting the Board to frame a set of rules to regulate the grant of permits for grazing in reserved forests.

No. 569, REVENUE, 13TH JULY 1897.

READ—again G.O., No. 235, Revenue, dated 23rd June 1896.

ABSTRACT.—Agreeing with the Board of Revenue in its opinion on the subject of throwing open coupes periodically for free gleaning and considering that no special action is called for in this Presidency in regard to the other proposals of the Inspector-General of Forests to the Government of India concerning the administration of State forests.

READ—again G.O., No. 2865, Revenue, dated 20th July 1896.

ABSTRACT.—Passing orders on Board's report on certain petitions complaining of oppression in the Forest Department in the Cuddapah, Bellary and Anantapur districts.

READ—again G.O., No. 45, Revenue, dated 28th January 1897.

ABSTRACT.—Approving, with remarks, draft rules and conditions for the regulation of the grant of permits for grazing in reserved forests.

READ—Board's Proceedings, Forest No. 207, dated 12th May 1896.

ABSTRACT.—Impressing on Collectors the necessity for obtaining the Conservator's approval to the introduction of any system of located fellings.

READ—Board's Proceedings, Forest No. 177, dated 4th May 1897.

ABSTRACT.—According to all Collectors certain papers relating to the working of minor coupes, and submission of a report, at an early date, as to whether any modification in the rules for the production in their districts is required; and stating that in submitting proposals for the grant of permits for grazing in reserved forests, the Government in its order printed Forest No. 355, dated 7th August 1896.

READ—also addressed to, and replies delivered by, His Excellency the Governor on his first tour.

ORDER—No. 569, Revenue, dated 13th July 1897.

Forest No. 118.

In several of the addresses presented during the recent tours of His Excellency the Governor, complaints against the administration of the Forest Department have been made in language which indicates a grave misconception of the policy which has been adopted by the Government. The main object of forest administration being the protection of future generations from the improvidence of their predecessors, it is impossible for the Government to confine itself to measures which would be altogether in consonance with the wishes of those who desire to retain every privilege which was enjoyed by the people before the gradual disappearance of forest growth rendered some action on the part of the Government an imperative necessity; but, it does not seem to be understood that it is the earnest desire of the Government to restrict interference with old and cherished customs, so far as is possible compatibly with the reasonably efficient protection and improvement of the forests and grazing grounds, on which the continued agricultural prosperity of the country so much depends. With a view, therefore, to remove misconception on the part of the people and, at the same time, to set forth, in a consolidated form for the guidance of all officers concerned, the policy which has been gradually elaborated as experience has been gained, His Excellency the Governor in Council resolves to issue a statement which will amount to a recapitulation of the salient points of the more important orders, now in force, in connection with forest administration, beginning with that of the 20th October 1890, since which time there has been no change in the views of the Government as regards the general principles to be followed in dealing with the various questions which, from time to time, come up for settlement.

2. It will be convenient to deal with the subject under the following heads:—

- I.—Selection of forests for reservation.
- II.—Management of reserved forests.
- III.—Unreserved land.
- IV.—Timber and fuel.
- V.—Fodder.
- VI.—Grazing.
- VII.—Minor produce.
- VIII.—Forest offences.

3. *Selection of forests for reservation.*—In 1890, after prolonged consideration and discussion, it was decided that it was necessary to have under Government control not only timber forests and forests

G.O., No. 844, dated 29th October 1890.

conserved from climatic considerations, but also all sources of fuel and fodder supply with regard to which permanency was desired, experience having shown that land left for common use was rapidly denuded as population advanced. It was also decided that all land so brought under control should be formally settled and reserved, the advantages attending a definite determination of rights far outweighing the cost of reservation. In the same order it was stated that the reserves should be in fairly large blocks, but a further direction that sufficient land should be taken up to meet all estimated requirements in firewood, leaves and small timber, as well as for grazing, led to a misunderstanding in some quarters, and, in dealing with individual proposals, the Board and the Government had frequently to draw attention to the necessity of leaving to the villagers an ample margin for the extension of cultivation and for free grazing.

* Board's Proceedings, No. 646, dated 21st October 1892, recorded with G.O., No. 1237, dated 12th December 1892.

† G.O., No. 261, dated 10th May 1895.

In 1892*, it was laid down that as an ordinary rule no area of less than 300 acres should be selected for reservation.

In 1895†, after some correspondence with the Government of India, this limit

was raised to one square mile, the object being to avoid interference with village waste scattered throughout cultivated areas. The exclusion of a sufficient margin around village-sites has also been habitually insisted on of late years, and in cases in which this was overlooked in the early days of reservation and inconvenience has been shown to result therefrom, district officers can arrange for the demarcation, and, if necessary, the clearance of a reasonable margin, giving the villagers a written order under section 21, proviso (a), of the Forest Act, permitting the exercise of the ordinary village privileges within the area thus demarcated out. Similarly when it is found that crops are suffering from the depredations of pig and other wild animals which find shelter in areas which villagers formerly kept free from forest growth, but which have become reclothed under protection, Forest officers can arrange for the extermination of the animals by organizing periodical beats, which all villagers holding gun licenses should be invited to attend.

4. *Management of reserved forests.*—In the same order ‡ of 1890, the Government

† G.O., No. 844, dated 29th October 1890.

declared, in connection with the management of reserved forests, that it was most necessary to correct the idea which pre-

valled somewhat widely, viz., that, as soon as a forest was reserved, cattle and men were to be excluded and the forest worked for profit rather than for the benefit of the people. It cannot be too strongly affirmed that the chief object of reserved forests, throughout the greater part of the country, is the provision of pasture, small timber, fuel and leaves for manure or litter in all but special cases. They are to be worked in order to meet the wants of the villagers in these respects, and are not to be converted into close preserves for the growth of large timber. As control and improvement involve expenditure, the levy of fees for forest produce from areas under control is indispensable, but, as will be noted in detail hereafter, every effort is made to keep them as low as possible in respect of all articles or forest produce required for agricultural and domestic use.

5. *Unreserved land.*—Under the rules issued under section 26 of the Forest Act,

G.O., No. 439, dated 9th July 1894.

all land at the disposal of Government, which is not set apart as reserved land or otherwise specially assigned by Government, is held to be "unreserved land." It varies from fairly well-clothed forest land in hill tracts to the barren waste which alone can usually be found in thickly-populated agricultural centres, and includes, with rare exceptions, every block of unoccupied land which is less than one square mile in extent. Under Rule 7 of the rules all but the most valuable articles of the forest produce of unreserved land are left for the free and unrestricted enjoyment of the inhabitants of villages, so far as is necessary to meet local requirements for agricultural and domestic purposes. These unreserved lands form true village forests, the interference of the district or taluk authorities, except for the preservation of the more valuable trees, being contemplated under the rule only when heads of villages are unable to prevent manifest abuses or when disputes arise as to the villages whose inhabitants are entitled to the use of the produce of any particular area. Even with regard to the more valuable trees which would soon become extinct if they were not kept under control and charged for, it is

* Paragraph 9 of the Board's Proceedings in G.O., No. 439, dated 9th July 1894.

intended, as pointed out by the Board of Revenue in submitting the draft rules, that the forest growth on unreserved lands is to be left for the use of the local agricultural community and is not to be cut for sale to outsiders. This rule should only be deviated from in localities in which the supply is obviously far in excess of

† Paragraph 4 of G.O., No. 439, dated 9th July 1894.

local requirements. Even when surplus produce exists and is given on contract, it has been directed† that village sites and all other areas which are distinctly communal land belonging to villages are to be exempt from the operations of forest leases and contracts.

6. *Timber and fuel.*—Only a very small number of the forests of the Presidency are capable of producing large timber under conditions which permit of its being profitably brought to market. These are almost invariably hill forests or are situated in tracts inhabited only by forest tribes and a few scattered cultivators. Such forests will naturally be worked on strictly commercial principles as regards larger timber, but as small timber, bamboos and fuel will have no local value, concessions may be freely made with regard to these articles when requirements of the kind for local use cannot be supplied from unreserved lands. In the case of reserved forests nearer to well-cultivated tracts where all forest resources must be carefully husbanded, free supplies cannot ordinarily be permitted, but it is a recognised rule that local demands, even from reserved forests, are to be supplied at low and not at competition rates and, in the preparation of working plans and schemes, the effect of the scheme upon the neighbouring villagers in the matter of wood supply has always to be taken into consideration.‡ The

† Board's Proceedings, No. 207, dated 12th May 1896.

fees prescribed for trees on unreserved lands are by no means high, and, while

Collectors are not authorized to raise them, they are empowered to reduce them whenever they see reason to do so. This discretion should be exercised in a generous and liberal spirit when classified trees required for agricultural implements are so abundant that there is no danger of the supply running short. No seigniorage rates have been fixed for supplies from reserved forests, but when these forests are drawn on to meet local requirements, or when they are worked for small timber and fuel to supply large towns and to meet commercial and industrial demands, such as railways and factories, it is usual to meet local requirements at rates equivalent to the seigniorage rates for unreserved lands plus a small charge for felling and conversion, conditions to that effect being inserted in the agreements when the work is entrusted to contractors. Instructions have also

§ G.O., No. 235, dated 23rd June 1896.

been issued § for the permission of free gleaning of wood below 2 or 2½ inches in girth from areas recently felled over, in places where there are people to take advantage of it and the gleaners are not

key to dispose of the produce removed by them to others than adjacent cultivators for whose benefit the concession is intended. Section 104 of the Forest Code also provides for free grants to village communities, or to private individuals in cases of necessity.

7. *Grazing*.—In the early days of forest conservancy, the operations of the department were mainly restricted to the felling of timber and fuel for commercial purposes, and the rigid protection of the areas brought under control for these purposes seems to have given rise to the mistaken idea, referred to in paragraph 4 *supra*, that as soon as a forest was reserved cattle and men were to be excluded. Since reservation has been adopted on a large scale, it has always been recognised that grazing must be provided for in any scheme for the management of reserved forests, and, in the papers recorded with G.O., No. 285, dated 23rd June 1896, it will be seen that the Conservator, Central Circle, has recorded his opinion that the successful management of grazing areas will be the most important feature in forest administration for many years to come. The same papers show that the other Conservators are no less alive to the importance of the question and anxious to dispose of it in the manner most acceptable to the people, so far as is compatible with such protection as is absolutely necessary to prevent the gradual deterioration of forests and grazing areas. When felling have taken place or when areas have deteriorated owing to over-grazing, a period of rigid protection is absolutely necessary, but it has been impressed upon Forest officers that it is a point of the first importance that matters shall be so arranged that the areas closed at one time shall not be so large as to cause undue inconvenience to the people. The improvement in grazing capabilities resulting from a period of closure will soon make itself apparent to the people and, in the case of lands which have been formerly grazed over free of charge, it is especially desirable that District Forest officers should direct their attention to the adoption of carefully thought-out plans for the closure of moderate areas in rotation and for such other measures as may be feasible to secure for the people who pay fees something more than they formerly got for nothing. The deterioration of lands still left open to grazing can also be retarded by putting a stop as far as possible to the removal of cattle droppings. In deference to established custom, Government has ruled that, for the present, permit-holders are not to be prohibited from removing the droppings of their own cattle, but this permission should not be extended to persons who are not permit-holders.

8. The regulation of grazing in reserved forests and the extent to which free grazing should be allowed have been frequently under the consideration of Government and it has been finally decided, in accordance with the principle laid down in paragraph 4 *supra*, that free grazing, save in very exceptional cases, shall be restricted to unreserved lands, and that in lieu of differential rates on the various classes of cattle, a low uniform rate shall ordinarily be charged for all,—the scale adopted for the present being the very moderate one shown in the margin. These rates cannot be enhanced without the sanction of Government, such enhancement having as yet been sanctioned only in respect of a few districts in which a higher fee had previously been charged and only in one of these districts the higher fee formerly collected has recently been reduced to the standard scale.

	Rs.	A.	P.
Buffaloes	0	6	0
Bulls, cows, bullocks, calves, horses, asses and foals	0	3	0
Sheep and goats	1	6	0

9. Owing to the serious damage which goats cause to forest growth, it is impossible to admit them into reserved forests as freely as cattle and sheep, and owing to the manner in which they are able to pick up a sustenance from lands on which cattle could find nothing, the necessity for admitting them is not so great, but in localities where goats are numerous and the extent of unreserved land is small, Government is desirous that some provision should be made, and the Board of Revenue has therefore instructed district officials to make such arrangements for goat-browsing as may be found practicable.

10. In the regulation of grazing in reserved forests, the division of the grazing areas into blocks of manageable size and the restriction of the number of cattle to be grazed in each are undoubtedly a goal to be aimed at, but before this can be satisfactorily done the capabilities of the various classes of forests must be accurately gauged and, as the enforcement of an arbitrary limit which had the effect of giving some owners of village cattle an advantage over others who considered they had an equal claim is reported to have in several instances given rise to much dissatisfaction, Government has ruled that for the present the number of cattle to be grazed in a reserve should not be restricted. * This decision having been based on reports that restriction has caused dissatisfaction among local cattle-owners, it will, of course, be understood that the prohibition of restriction is not intended as an instruction to District Forest officers to indiscriminately throw open to outsiders forests which have hitherto been reserved for the supply of local demands.

* G.O., No. 45, dated 26th January 1897. † G.O., No. 45, dated 26th January 1897. 11. In the rules for the issue of permits for grazing †, provision is made in rule i for the division of the reserved forests of a district into grazing blocks, but, for the reasons given in the paragraph last preceding, the size of the blocks is left entirely to the discretion of the local authorities, and the prescription in rule iii of a scale of fees for each block is not intended to preclude forest officers from sanctioning the exchange of a permit for one block for a permit for another in tracts in which nomadic grazing is customary and regarded as unobjectionable.

12. *Fodder*.—In the order of 1890, which has already been frequently referred to, stress was laid on the desirability of cutting and storing grass for sale when such arrangements would be shown to be practicable and conducive to the convenience and interests of the people. Unfortunately, it is only in a very few localities that the people are in the habit of using dried grass as fodder, and the valuable resources of the forests in this respect are generally wasted. This is the more to be regretted as the removal of the annual grass crop would benefit areas temporarily closed to grazing for the regeneration of forest growth or for improvement as grazing grounds. It is the duty of District Forest officers to do everything in their power to encourage the use of cut fodder, and the practice of inviting ryots to enter reserves and cut grass free in localities in which there is no demand for it on payment should not be abandoned merely because it meets with no ready response.

13. *Minor produce*.—Under Rules 7 and 13 of the rules for unreserved lands, the free use of minor produce on such lands is generally left to the people, and it was recently pointed out by Government that complaints that villagers had been deprived of the free use of fuller's earth, lime and stones were the result of a mistake which was rectified by the Collector of the district as soon as the matter was brought to his notice. It is the duty of district officers to use special care to guard against any recurrence of mistakes of this kind in entering into agreements with contractors, and in this connection it is noted that the Board of Revenue has recently called on all Collectors to report whether any modification of the working of minor produce in their districts is called for in the direction of withdrawing from any operations which may be found to unnecessarily harass the general population.

14. *Forest offences*.—In connection with prosecutions for forest offences the Government has repeatedly deprecated any tendency to harass the people of the country by an indiscriminate application of the penal clauses of the Forest Act. It has laid down as a general principle that simple trespass should not be treated as an offence at all, unless there is reason to suspect that it is likely to lead to more serious offences, and, with regard to the power of compounding offences vested in District

Forest officers, the policy which the Government has prescribed is clearly set out in the reviews of the Forest Administration Reports for 1891-92 and 1893-94. In the first of these papers when dealing with the increase in the number of prosecutions and the percentage of acquittals in certain districts of the Presidency, the Government wrote: "His Excellency the Governor in Council cannot too strongly condemn any tendency to unnecessarily harass the people of the country by the application of the penal clauses of the forest law, and desires the Board will issue strict orders to the Collectors of the districts above mentioned with a view to remedying the unsatisfactory state which appears to exist." In the latter review the following remarks were made regarding the same subject, but with special reference to the compounding of offences against the forest laws:—

"It is clear, however, from the steady and rapid rise that has taken place during recent years, not only in the number of cases reported but also in the amount of compensation realized from fees levied in compounded cases, that Forest officers are year by year making more extensive use of the powers given to them by the Forest law; and to a certain degree this may reasonably be expected since the longer the law is in operation and the better the people are acquainted with its provisions, the more strictly it may be enforced. The total amount of compensation money realized during 1893-94 was, however, more than double the amount levied four years previously and was considerably larger than the corresponding sum recorded for the preceding season of 15 months. As the Board points out, the Collector and District Magistrate of each district is responsible for seeing that the law is worked with due consideration for the interests of the people. The large increase in the percentage of cases compounded and in the amount of compensation levied is, nevertheless, a matter of serious import. The dangers attaching to the system of compounding offences were indicated by the Government of India in reviewing the report for 1892-93. His Excellency the Governor in Council now resolves to reiterate the principles which should govern the exercise of this power. Cases in which the evidence does not appear to be strong enough to ensure conviction should be withdrawn altogether, and the power of compounding should be utilized only when the offence has clearly been committed by the individual in question, but prosecution is deemed inadvisable owing to the existence of special circumstances, such as the petty nature of the offence itself, ignorance of the law on the part of the offender or distance of the scene of the offence from a Magistrate's court. It must further be borne in mind that delay in disposal is in itself very harassing to the parties concerned, and petty cases in which there has been long delay either in the institution of prosecutions or in the bringing of offenders to trial should be withdrawn."

15. His Excellency the Governor in Council believes that the principles laid down in this order are as liberal as is possible without disregarding the true interests of the country, and he relies on local officers to see that they are given full effect to in arranging the details of district administration, and that every effort is also made to protect the ryots against oppression and rapacity on the part of low-paid subordinates or departmental contractors.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. Shaik Karim.

100 Copies.

For order

For Sir Henry Kell

7

just explain the Tarang
order of compounding
H.E. without return to the
office. I didn't send them.
But I can't recollect whether
the Hon. W. Jones had them
last. They went back to the
forward between us whether
was, if I recollect right.

Now that H.E. has returned
then they should be put through
as quickly as possible - but
H.E. has made any remarks
which require consideration
by the Hon. W. Jones, the
papers should go at once
to Mr. Rop & draft on.

RS

4/9/97

Secy:
Submitted that as further action is
necessary. Mr. Rop has the necessary
papers and is already drafting a
letter to Mr. Jones there on
4.9.97

Why not form a
2.1/9/97

46.

The Hon member has written
that G.O. 569 should have
been circulated to him
being in a matter of
general importance.

The G.O. in question
which was drafted by the
Hon. Mr. Sturrock was not
marked for the Hon.
Member for the
reasons. (46)

(1) The order was
drafted for the Hon.
Forest Min. of Mr. G.
as already embodied
Govt. orders. It comes
no new orders & even
no new policy.

(2) The only new decision
was to gather the first
the former order to give
& to publish it in
order.

(3) Under the terms

...this decision was
is regretted, not thought
matter of sufficient
importance to ^{justify the} circulation
of the H.M. members.

The error pointed out
the H.M. members have
been rectified by the issue
of ^{substituted} copies of the 20.
in question.

W.L.
24.8.97 11/9/97

...to the H.M.
note above it is
silly to submit that
the ^{1st} draft was
in the office on 3.6.97
and sent in circulation
2-6-97. From the
member's note on page
19 of the Tenancy
it would appear that
it had not left his
on 22-6-97. The
sent from the H.M. to

This is v.
The office Kuer
told that I am
Tenancy Bill we
had up tonight he
said that the papers
the contract were
sent me from the F.A.
a few days ago.

W.L.
27/8/97

till 27-8-97 when it
returned from the
H.M. (the H.M. D.O.) it
been uniformly the
in the office to send to
member's forest papers
to the H.M. the H.M. & H.
only (except when financial
considerations arose in
the papers have been sent
the H.M.). The H.M. has
that it was thought that
the H.M. did not want to be

NOTE FOR THE UNDER SECRETARY.

The Tenancy Bill papers
do not appear to have come
into office before they went
to H.C. the Governor.
They have returned from
H.C. today.

- C.A.
27/8/97

H.C. Please make certain of
this and also find out how the
papers went to H.C. direct &
not up again W.L.
28.8.97

*The Senancy Bill papers were
circulated in Box No 36 on the 3rd day.
I have carefully gone thru.*

*peano's delivery books to see if the
box was delivered at the Government
house by any of the peano but
find no entry. The box must have
been sent to the Govt house by the
Post from the Honble Members house.
The First Assistant also says that
he did not see the papers on return
from the Honble Mr Henry's house.*

*C.D.
31/5/97*

48

Copy of a D.O. from the Honourable Mr. Bliss, dated 7th
May 1897.

I have on hand now the letter which must soon go to
India about the Contract and Tenancy Bill. I cannot possibly
deal with these pressing and important matters in any reason-
able time, if I am to be burdened as at present with masses
of unimportant papers. I must therefore ask the Secretaries
in all Departments to send me as few papers as possible so
long as I have these heavy subjects on hand. By this I do
not mean that ordinary papers should be kept back. That was
the meaning put in some Departments on a similar request I
made once last year. But of course it is of no use merely to
keep papers back. What I ask is that the Secretaries will
themselves dispose of papers to a greater extent than usual
while I am unable to do my usual share of work on matters
of minor importance.

(True copy)

*W. H. Murray
7.5.97*

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49

Government (1897) of Madras.
REVENUE.

Recd.

Regd.

} 1897.

Enclosures

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G.O., No. 569, 13th July 1897.

JULY.

Forest Policy.

Resolving to issue a statement enunciating the — of the Madras Government.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., No. 814, Revenue, dated 23th October 1890.

ABSTRACT.—Passing orders on papers relating to various questions connected with the provision of pasturage, fodder, fuel and small timber for the agricultural population.

READ—again G.O., No. 1237, Revenue, dated 12th December 1892.

ABSTRACT.—Draft notification, under section 4 of the Forest Act, for the proposed constitution of the Bogaram reserve in the Vinukonda taluk as a reserved forest, approved and ordered to be published in the Fort St. George and Kistna District Gazettes and the Conservator's proposal to fix the area for reservation originally at 300 acres accepted.

READ—again G.O., No. 1277, Revenue, dated 20th December 1892.

ABSTRACT.—Reviewing the Forest Administration Report of the Madras Presidency for 1891-92.

READ—again G.O., No. 489, Revenue, dated 9th July 1894.

ABSTRACT.—The revised draft of the rules under section 26 of the Forest Act (V of 1882), submitted by the Board of Revenue, approved with certain modifications and ordered to be published in the Fort St. George and all District Gazettes.

READ—again G.O., No. 888, Revenue, dated 19th December 1894.

ABSTRACT.—Communicating to the Board of Revenue, for information and guidance, the resolutions of the Government of India enunciating the principles on which the future administration of the Forest Department should be conducted, and addressing the Government of India on the subject.

READ—again G.O., No. 31, Revenue, dated 22nd January 1895.

ABSTRACT.—Reviewing the Forest Administration Report of the Madras Presidency for the year 1893-94.

READ—again G.O., No. 261, Revenue, dated 10th May 1895.

ABSTRACT.—Letter from the Government of India, communicating remarks on the subject of forest policy in the Madras Presidency, communicated, with remarks, to the Board of Revenue, and a copy of the rules under section 26 of the Madras Forest Act ordered to be forwarded to the Government of India.

READ—again G.O., No. 553, Revenue, dated 14th August 1895.

ABSTRACT.—Adopting the recommendation of the Board to do away with the distinction between privileged and unprivileged cattle, and requesting the Board to frame a set of rules to regulate the grant of permits for grazing in reserved forests.

READ—again G.O., No. 285, Revenue, dated 23rd June 1896.

ABSTRACT.—Agreeing with the Board of Revenue in its opinion on the subject of throwing open coupes periodically for free gleaning and considering that no special action is called for in this Presidency in regard to the other proposals of the Inspector-General of Forests to the Government of India concerning the administration of State forests.

READ—again G.O., No. 2865, Revenue, dated 20th July 1896.

ABSTRACT.—Passing orders on Board's report on certain petitions complaining of oppression in the Forest Department in the Cuddapah, Bellary and Anantapur districts.

READ—again G.O., No. 45, Revenue, dated 26th January 1897.

ABSTRACT.—Approving, with remarks, draft rules and conditions for the regulation of the grant of permits for grazing in reserved forests.

READ—Board's Proceedings, Forest No. 207, dated 12th May 1896.

ABSTRACT.—Impressing on Collectors the necessity for obtaining the Conservator's approval to the introduction of any system of located fellings.

READ—Board's Proceedings, Forest No. 177, dated 4th May 1897.

ABSTRACT.—Forwarding to all Collectors certain papers relating to the working of minor produce in view to the submission of a report, at an early date, as to whether any modification in the working of minor produce in their districts is required; and stating that in submitting the reports attention should be paid to the instructions issued by Government in its order printed in Board's Proceedings, Forest No. 355, dated 7th August 1896.

READ—also addresses presented to, and replies delivered by, His Excellency the Governor on his first tour.

ORDER—No. 569, Revenue, dated 13th July 1897.

Forest No. 118.

In several of the addresses presented during the recent tours of His Excellency the Governor, complaints against the administration of the Forest Department have been made in language which indicates a grave misconception of the policy which has been adopted by the Government. The main object of forest administration being the protection of future generations from the improvidence of their predecessors, it is impossible for the Government to confine itself to measures which would be altogether in consonance with the wishes of those who desire to retain every privilege which was enjoyed by the people before the gradual disappearance of forest growth rendered some action on the part of the Government an imperative necessity; but, it does not seem to be understood that it is the earnest desire of the Government to restrict interference with old and cherished customs, so far as is possible compatibly with the reasonably efficient protection and improvement of the forests and grazing grounds, on which the continued agricultural prosperity of the country so much depends. With a view, therefore, to remove misconception on the part of the people and, at the same time, to set forth, in a consolidated form for the guidance of all officers concerned the policy which has been gradually elaborated as experience has been gained, His Excellency the Governor in Council resolves to issue a statement which will amount to a recapitulation of the salient points of the more important orders, now in force, in connection with forest administration, beginning with that of the 20th October 1890, since which time there has been no change in the views of the Government as regards the general principles to be followed in dealing with the various questions which, from time to time, come up for settlement.

2. It will be convenient to deal with the subject under the following heads.

- I.—Selection of forests for reservation.
- II.—Management of reserved forests.
- III.—Unreserved land.
- IV.—Timber and fuel.
- V.—Fodder.
- VI.—Grazing.
- VII.—Minor produce.
- VIII.—Forest offences.

3. *Selection of forests for reservation.*—In 1890, after prolonged consideration and discussion, it was decided that it was necessary to have under Government control not only timber forests and forests

conserved from climatic considerations, but also all sources of fuel and fodder supply with regard to which permanency was desired, experience having shown that land left for common use was rapidly denuded as population advanced. It was also decided that all land so brought under control should be formally settled and reserved, the advantages attending a definite determination of rights far outweighing the cost of reservation. In the same order it was stated that the reserves should be in fairly large blocks, but a further direction that sufficient land should be taken up to meet all estimated requirements in firewood, leaves and small timber, as well as for grazing, led to a misunderstanding in some quarters, and, in dealing with individual proposals, the Board and the Government had frequently to draw attention to the necessity of leaving to the villagers an ample margin for the extension of cultivation and for free grazing.

* Board's Proceedings, No. 646, dated 21st October 1892, recorded with G.O., No. 1237, dated 12th December 1892.
† G.O., No. 261, dated 10th May 1895.

In 1892*, it was laid down that as an ordinary rule no area of less than 300 acres should be selected for reservation. In 1895†, after some correspondence with the Government of India, this limit was raised to one square mile, the object being to avoid interference with village waste scattered throughout cultivated areas. The exclusion of a sufficient margin around village-sites has also been habitually insisted on of late years, and in cases in which this was overlooked in the early days of reservation and inconvenience has been shown to result therefrom, district officers can arrange for the demarcation, and, if necessary, the clearance of a reasonable margin, giving the villagers a written order under section 21, proviso (a), of the Forest Act, permitting the exercise of the ordinary village privileges within the area thus demarcated out. Similarly when it is found that crops are suffering from the depredations of pig and other wild animals which find shelter in areas which villagers formerly kept free from forest growth, but which have become re clothed under protection, Forest officers can arrange for the extermination of the animals by organizing periodical beats, which all villagers holding gun licenses should be invited to attend.

4. *Management of reserved forests.*—In the same order ‡ of 1890, the Government declared, in connection with the management of reserved forests, that it was most necessary to correct the idea which prevailed somewhat widely, viz., that, as soon as a forest was reserved, cattle and men were to be excluded and the forest worked for profit rather than for the benefit of the people. It cannot be too strongly affirmed that the chief object of reserved forests, throughout the greater part of the country, is the provision of pasture, small timber, fuel and leaves for manure or litter. In all but special cases, they are to be worked in order to meet the wants of the villagers in these respects, and are not to be converted into close preserves for the growth of large timber. As control and improvement involve expenditure, the levy of fees for forest produce from areas under control is indispensable, but, as will be noted in detail hereafter, every effort is made to keep them as low as possible in respect of all articles of forest produce required for agricultural and domestic use.

‡ G.O., No. 844, dated 29th October 1890.

5. *Unreserved land.*—Under the rules issued under section 26 of the Forest Act, all land at the disposal of Government, which is not set apart as reserved land or otherwise specially assigned by Government, is held to be "unreserved land." It varies from fairly well-clothed forest land in hill tracts to the barren waste which alone can usually be found in thickly populated agricultural centres, and includes, with rare exceptions, every block of unoccupied land which is less than one square mile in extent. Under Rule 7 of the rules all but the most valuable articles of the forest produce of unreserved land are left for the free and unrestricted enjoyment of the inhabitants of villages, so far as is necessary to meet local requirements for agricultural and domestic purposes. These unreserved lands form true village forests, the interference of the district or taluk authorities, except for the preservation of the more valuable trees, being contemplated under the rule only when heads of villages are unable to prevent manifest abuses or when disputes arise as to the villages whose inhabitants are entitled to the use of the produce of any particular area. Even with regard to the more valuable trees which would soon become extinct if they were not kept under control and charged for, it is intended, as pointed out by the Board of Revenue in submitting the draft rules,*

* Paragraph 9 of the Board's Proceedings in G.O., No. 489, dated 9th July 1894.

that the forest growth on unreserved lands is to be left for the use of the local agricultural community and is not to be cut for sale to outsiders. This rule should only be deviated from in localities in which the supply is obviously far in excess of local requirements. Even when surplus produce exists and is given on contract, it has been directed † that village sites and all other areas which are distinctly communal land belonging to villages are to be exempt from the operations of forest leases and contracts.

† Paragraph 4 of G.O., No. 489, dated 9th July 1894.

6. *Timber and fuel.*—Only a very small number of the forests of the Presidency are capable of producing large timber under conditions which permit of its being profitably brought to market. These are almost invariably hill forests or are situated in tracts inhabited only by forest tribes and a few scattered cultivators. Such forests will naturally be worked on strictly commercial principles as regards larger timber, but as small timber, bamboos and fuel will have no local value, concessions may be freely made with regard to these articles when requirements of the kind for local use cannot be supplied from unreserved lands. In the case of reserved forests nearer to well-cultivated tracts where all forest resources must be carefully husbanded, free supplies cannot ordinarily be permitted, but it is a recognised rule that local demands, even from reserved forests, are to be supplied at low and not at competition rates and, in the preparation of working plans and schemes, the effect of the scheme upon the neighbouring villagers in the matter of wood supply has always to be taken into consideration.‡ The seigniorage fees prescribed for trees on unreserved lands are by no means high, and, while Collectors are not authorized to raise them, they are empowered to reduce them whenever they see reason to do so. This discretion should be exercised in a generous and liberal spirit when classified trees required for agricultural implements are so abundant that there is no danger of the supply running short. No seigniorage rates have been fixed for supplies from reserved forests, but when these forests are drawn on to meet local requirements, or when they are worked for small timber and fuel to supply large towns and to meet commercial and industrial demands, such as for railways and factories, it is usual to meet local requirements at rates equivalent to the seigniorage rates for unreserved lands plus a small charge for felling and conversion, conditions to that effect being inserted in the agreements when the work is entrusted to contractors. Instructions have also been issued § for the permission of free

‡ Board's Proceedings, No. 207, dated 12th May 1896.

gleaning of wood below 2 or 2½ inches in girth from areas recently felled over, in places where there are people to take advantage of it and the gleaners are not

§ G.O., No. 285, dated 23rd June 1896.

likely to dispose of the produce removed by them to others than adjacent cult for whose benefit the concession is intended. Section 101 of the Forest C provides for free grants to village communities, or to private individuals in necessity.

7. *Grazing*.—In the early days of forest conservancy, the operations of the department were mainly restricted to the felling of timber and fuel for commercial purposes, and the rigid protection of the areas brought under control for these purposes seems to have given rise to the mistaken idea, referred to in paragraph 4 *supra*, that as soon as a forest was reserved cattle and men were to be excluded. Since reservation has been adopted on a large scale, it has always been recognised that grazing must be provided for in any scheme for the management of reserved forests, and, in the papers recorded with G.O., No. 285, dated 23rd June 1896, it will be seen that the Conservator, Central Circle, has recorded his opinion that the successful management of grazing areas will be the most important feature in forest administration for many years to come. The same papers show that the other Conservators are no less alive to the importance of the question and anxious to dispose of it in the manner most acceptable to the people, so far as is compatible with such protection as is absolutely necessary to prevent the gradual deterioration of forests and grazing areas. When fellings have taken place or when areas have deteriorated owing to over-grazing, a period of rigid protection is absolutely necessary, but it has been impressed upon Forest officers that it is a point of the first importance that matters shall be so arranged that the areas closed at one time shall not be so large as to cause undue inconvenience to the people. The improvement in grazing capabilities resulting from a period of closure will soon make itself apparent to the people and, in the case of lands which have been formerly grazed over free of charge, it is especially desirable that District Forest officers should direct their attention to the adoption of carefully thought-out plans for the closure of moderate areas in rotation and for such other measures as may be feasible to secure for the people who pay fees something more than they formerly got for nothing. The deterioration of lands still left open to grazing can also be retarded by putting a stop as far as possible to the removal of cattle droppings. In deference to established custom, Government has ruled that, for the present, permit-holders are not to be prohibited from removing the droppings of their own cattle, but this permission should not be extended to persons who are not permit-holders.

8. The regulation of grazing in reserved forests and the extent to which free grazing should be allowed have been frequently under the consideration of Government and it has been finally decided, in accordance with the principle laid down in paragraph 4 *supra*, that free grazing, save in very exceptional cases, shall be restricted to unreserved lands, and that in lieu of differential rates on the various classes of cattle a low uniform rate shall ordinarily be charged for all,—the scale adopted for the present being the very moderate one shown in the margin. These rates cannot be enhanced without the sanction of Government, such enhancement having as yet been sanctioned only in respect of a few districts in which a higher fee had previously been charged and collected without difficulty, and even in one of these districts the higher fee formerly collected has recently been reduced to the standard scale.

G.O., No. 553, dated 14th August 1895

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	Per annum.		
	RS.	A.	P.
Buffaloes	0	6	0
Bulls, cows, bullocks, calves, horses, asses and foals	0	3	0
Sheep and goats	1	0	0

9. Owing to the serious damage which goats cause to forest growth, it is impossible to admit them into reserved forests as freely as cattle and sheep and owing to the manner in which they are able to pick up a sustenance from lands on which cattle could find nothing, the necessity for admitting them is not so great; but in localities where goats are numerous and the extent of unreserved land is small, Government is desirous that some provision should be made and the Board of Revenue has therefore instructed district officials to make such arrangements for goat browsing as may be found practicable.

Board's Proceedings, No. 602, dated 11th October 1895.

the extent of unreserved land is small, Government is desirous that some provision should be made and the Board of Revenue has therefore instructed district officials to make such arrangements for goat browsing as may be found practicable.

10. In the regulation of grazing in reserved forests, the division of the area into blocks of manageable size and the restriction of the number of cattle to be grazed in each are undoubtedly a goal to be aimed at, but before this can be effectually done the capabilities of the various classes of forests must be accurately gauged and, as the enforcement of an arbitrary limit which had the effect of giving some owners of village cattle an advantage over others who considered they had an equal claim is reported to have in several instances given rise to much dissatisfaction, Government has ruled that for the present the number of cattle to be grazed in a reserve should not be restricted.* This decision having been based on reports that restriction has caused dissatisfaction among local cattle-owners, it will, of course, be understood that the prohibition of restriction is not intended as an instruction to District Forest officers to indiscriminately throw open to outsiders forests which have hitherto been reserved for the supply of local demands.

* G.O., No. 45, dated 26th January 1897.

11. In the rules for the issue of permits for grazing, provision is made in rule i for the division of the reserved forests of a district into grazing blocks, but, for the reasons given in the paragraph last preceding, the size of the blocks is left entirely to the discretion of the local authorities, and the prescription in rule iii of a scale of fees for each block is not intended to preclude forest officers from sanctioning the exchange of a permit for one block for a permit for another in tracts in which nomadic grazing is customary and regarded as objectionable.

12. *Fodder*.—In the order which has already been frequently referred to, stress was laid on the desirability of cutting and storing grass for sale when such arrangements would be shown to be practicable and conducive to the convenience and interests of the people. Unfortunately, it is only in a very few localities that the people are in the habit of using dried grass as fodder, and the valuable resources of the forests in this respect are generally wasted. This is the more to be regretted as the removal of the annual grass crop would benefit areas temporarily closed to grazing for the regeneration of forest growth or for improvement as grazing grounds. It is the duty of District Forest officers to do everything in their power to encourage the use of cut fodder, and the practice of inviting ryots to enter reserves and cut grass free in localities in which there is no demand for it on payment should not be abandoned merely because it meets with no ready response.

13. *Minor produce*.—Under Rules 7 and 13 of the rules for unreserved lands, the free use of minor produce on such lands is generally left to the people, and it was recently pointed out by Government that complaints that villagers had been deprived of the free use of fuller's earth, lime and stones were the result of a mistake which was rectified by the Collector of the district as soon as the matter was brought to his notice. It is the duty of district officers to use special care to guard against any recurrence of mistakes of this kind in entering into agreements with contractors, and in this connection it is noted that the Board of Revenue has recently called on all Collectors to report whether any modification of the working of minor produce in their districts is called for in the light of the Board's Proceedings, No. 177, dated 4th May 1895.

14. *Produce*.—In connection with prosecutions for forest offences the Government has repeatedly deprecated any tendency to harass the people of the country by an indiscriminate application of the penal clauses of the Forest Act. It is as a general principle that simple trespass should not be treated as an offence, unless there is reason to suspect that it is likely to lead to more serious offences, and, with regard to the power of compounding offences vested in District

G.O., No. 2865, dated 20th July 1896.

15. *Produce*.—In connection with prosecutions for forest offences the Government has repeatedly deprecated any tendency to harass the people of the country by an indiscriminate application of the penal clauses of the Forest Act. It is as a general principle that simple trespass should not be treated as an offence, unless there is reason to suspect that it is likely to lead to more serious offences, and, with regard to the power of compounding offences vested in District

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No. 569, REVENUE, 13TH JULY 1897.

the policy which the Government has prescribed is clearly set out in the Forest Administration Reports for 1891-92 and 1893-94. In these papers when dealing with the increase in the number of prosecutions and percentage of acquittals in certain districts of the Presidency, the Government note: "His Excellency the Governor in Council cannot too strongly condemn any tendency to unnecessarily harass the people of the country by the application of the penal clauses of the forest law, and desires the Board will issue strict orders to the Collectors of the districts above mentioned with a view to remedying the unsatisfactory state which appears to exist." In the latter review the following remarks were made regarding the same subject, but with special reference to the compounding of offences against the forest laws:—

"It is clear, however, from the steady and rapid rise that has taken place during recent years, not only in the number of cases reported but also in the amount of compensation realized from fees levied in compounded cases, that Forest officers are year by year making more extensive use of the powers given to them by the Forest law; and to a certain degree this may reasonably be expected since the longer the law is in operation and the better the people are acquainted with its provisions, the more strictly it may be enforced. The total amount of compensation money realized during 1893-94 was, however, more than double the amount levied four years previously and was considerably larger than the corresponding sum recorded for the preceding season of 15 months. As the Board points out, the Collector and District Magistrate of each district is responsible for seeing that the law is worked with due consideration for the interests of the people. The large increase in the percentage of cases compounded and in the amount of compensation levied is, nevertheless, a matter of serious import. The dangers attaching to the system of compounding offences indicated by the Government of India in reviewing the report for 1892-93. If the Governor in Council now resolves to reiterate the principles which show the exercise of this power. Cases in which the evidence does not appear to be drawn altogether, and the power of compounding conviction should be withdrawn only when the offence has clearly been committed by the individual in question, and no action is deemed inadvisable owing to the existence of special circumstances, such as the petty nature of the offence itself, ignorance of the law on the part of the offender or distance of the scene of the offence from the Magistrate's court. It must further be borne in mind that delay in disposal is in itself very harassing to the parties concerned, and petty cases in which there has been long delay either in the institution of prosecutions or in the bringing of offenders to trial should be withdrawn."

15. His Excellency the Governor in Council believes that the principles laid down in this order are as liberal as is possible without disregarding the true interests of the country, and he relies on local officers to see that they are given full effect to in arranging the details of district administration, and that every effort is also made to protect the ryots against oppression and rapacity on the part of low-paid subordinates or departmental contractors.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Encl. A. F. Eccleston.

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