117R 4007

O/9. 3,000—5-8-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1907

DATED 2nd May 1898

[Despatch Abstract.]

Approving with remarks draft-
ing the Godavari Drift-Timber Rules.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1898) Department.

CURRENT No. 2147

Dr Sharp
2/5/98.

Read BP. No 147 this
Dir BP. No 180 this
Order Misc. No. 1907 d 2.5.98.

d 14 March 98
d 23 March 98

Consider that
the Govt
the draft rules
drawn up by the Board
should be given a trial
subject to repeal at the end of this year.
Rep Should be
published in the Godavari District Gazette
& made known as widely
as possible in the
District

11/c
28/4/98

To the Bd of R
with enclosures

Copy
3/5/98

From

The Board of Revenue, Land Revenue,
Madras

Forest **No.** 147 Mis.

Dated 14th March 1898

Received 16 "

Registered 17 "

Enclosures 5

Spare copies

SUBJECT.

Submitting to Government with remarks the draft of the Godavari Drift-Timber Rules as revised by the Board, and stating that the rules desired by Government in para 2 of G.O.No 586, dated 5-11-96 regarding registration of property marks are included in the Godavari District Transit Rules submitted separately.

BACK PAPERS.

G.O.	No.	Department.	Date.
1/5	586		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Draft of the Godavari Drift Timber Rules prepared by the Board.

In supersession of the rules approved in G.O. No. 586 Rev. dated 3.11.96. His Excellency the Governor in Council is pleased to issue the following rules to regulate the collection and disposal of drift-timber on the Godavari river within the limits of the Godavari Dt.

Explanation. In these rules "timber" shall be taken to mean any piece of wood whether cut up or fashioned or hollowed out or not, of which the maximum girth is not less than 9 inches.

I. All drift timber found without an ostensible owner may be seized by any person.

II. All wood 9 inches in girth and over shall be handed over to the Government Contractor or his agent if such Contractor has been notified in the District Gazette, or if there be no such notification to the head of the village within the limits of which the wood has been seized, and a receipt shall

shall be given to the Salvor who will receive
$\frac{1}{3}$ of the sale price when the wood has been
sold as hereinafter provided or $\frac{1}{3}$ of its value
as estimated under the rules of the Forest
Department, ~~to be paid by a claimant who makes~~
~~good his claim~~ for the time being, which sum
shall be paid by a claimant who makes good his claim.

III All salved drift-timber shall be retained
in the custody of the person to whom it has been
handed and shall be advertised in a single
issue of the District Gazette. If not claimed
within one month from the date of advertise-
ment, or if claims made be not substantiated
the timber shall be sold by the drift
wood Inspector by public auction. Out
of the gross proceeds one-third shall
be paid to the Salvor. If the collections
have been leased to a Contractor, the
balance shall be handed to him. In other
cases one-sixth of the proceeds shall
be paid to the village head as remuneration
for himself and his establishment
and the balance shall be credited to
Government. Drift-timber claimed
within the time above specified shall,
if the claim is admitted, be made over to
the owner upon payment to the salvor of
$\frac{1}{3}$ of the estimated value thereof, and to
the Government the whole of the incidental
expenses of guarding, storing and advertising
it.

IV Any person misappropriating or selling
drift-timber will be liable to be prosecuted
under the Indian Penal Code for Criminal
Misappropriation.

V For the purposes of rule III the Driftwood
Inspector shall estimate the value of the
timber and decide claims to ownership,
subject in either case to appeal to the
District Forest officer whose decision
shall be final. Provided always that,
in the event of claims by different parties,
the District Forest Officer may refuse to
decide on the claims and may refer
the claimants to a Civil Court.

Rees
Secretary.

2 000
20-1-98.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

Forest No 147 Mis, dated 14th March 1898

Read Endorsement of the Conservator of Forests N.C dated 15th December 1897, R.C.No.959 on letter from the Collector of Godavari, dated 27th November 1897, Cur.No 149-B/Forests.

Resolution.

The above papers will be submitted to Government together with draft rules prepared by the Board which does not approve either of the set proposed by the Collector or of that proposed by the Conservator. The total confiscation by notification of private property implied in the latter draft is indefensible, and the proviso at the end of rule 2 is useless as these rules have no legal sanction and no penalty can attach to acts declared "unlawful" under them.

2 The difficulties explained by the Collector can best be met and the desired simplification be secured by omitting from the rules all reference to drift wood and by reducing the size of "timber" to nine inches. If the system of leasing is then extensively adopted the contractor can be left to protect his own interests.

3. The rules desired by Government in para 2 of G.O No.536, dated 3rd November 1896 are included in the Godavari district Transit Rules separately submitted.

(True Extract)

Secretary

To the Secretary to Government R.D, with Collr's letter & rules and Consr's Endt & rules in orgl to be retd and also rules as revised by the Board.

Revenue (1898) Department.

CURRENT No. 2407

From

The Board of Revenue, Land Revenue.

Madras

Order

Forest No. 180-Mis.

Dated 23rd March 1898

Received 25 — Do —

Registered 26 — Do —

Enclosures ..

Spare copies

SUBJECT.

Recording telegram from the Collector of Godavari regarding leasing of drift-wood in Godavari, and wiring to him that the orders of Government are awaited on the matter.

BACK PAPERS.

G.O.	No.	Department.	Date.
u	586	Rev.	3-11-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
30-1-99.

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue).

Forest No 180 Mis, dated 23rd March 1898

Read again Board's Proceedings Forest No.147 Mis, dated 14th March 1898, submitting to Government with remarks the draft of theGodavari Drift-Timber Rules as revised by the Board; and stating that the rules desired by Government in para 2 of G.O.No 586, dated 3-11-96 regarding registration of property marks are included in the Godavari District Transit Rules submitted separately.

Read telegram from the Collector of Godavari, dated 22nd March1898, requesting orders on his reference regarding leasing of drift wood and stating that auction time has arrived.

Resolution.

Recorded with reference to the following telegram:--

Telegram(deferred)

" Orders of Government are awaited drift wood rules"

(True Extract)

Secretary

To the Collector of Godavari.

Copy to Government, R.D in continuation of B.P.147, dated 14-3-98.

1898.

Board of Revenue

(Land Revenue),

MADRAS.

To

Subject.

Read Proceedings of the Board of Rev. (Land Rev.) Forest No. 147 Mis. d. 14-3-98 — C.No: 2147/98.

Read also Proceedings of the Board of Rev. (Land Revenue) Forest No. 180 Mis. d. 23-3-98 C.No: 2407/98.

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Note.

The papers now submitted for orders relate to the control of the drift wood operations on the Godavari river within the limits of the Godavari district. The Collector of Godavari and the Conservator of Forests, Northern circle, consider the rules now in force for the collection and disposal of drift "wood" and "timber" unworkable, and Each submit ~~each~~ a set of draft rules to supersede the existing ones. The Board of Revenue does not approve of

23/4/98.

this set of draft rules, and submits a set prepared by itself for the consideration and orders of Government.

2. Under the rules now in force for the control of the drift wood operations, the custody and disposal of salved drift "wood" and "timber" are mainly entrusted to the village munsiffs. (Vide the rules in Go. No: S-86 d. 3-11-96). In his letter* submitted to the Board with the current first read above, the Collector reports that the rules in question have been found to be unworkable mainly owing to the following reasons:—(i) The village Munsiffs, as a rule, do not furnish the District Forest Officer with lists of salved driftwood and timber in proper time. This evidences to fraud, the

*Flag A.
*Flag B.
C. No: 2147/96.

the munsiffs and their subordinates misappropriating a great number of logs. (ii) It is not possible to criminally prosecute the munsiffs for misappropriation as it is found almost impossible to get any evidence against them. (iii) The munsiffs are unfit to discharge the onerous duty of conducting prosecutions in the case of misappropriation of "timber" or "wood" by Salvors: (iv) Under clause ii of Rule VI of the rules in Go. No: S-86 d 3-11-96, the village heads are empowered to dispose of drift wood with the least possible delay, retaining in their custody only drift "timber" until it is duly advertised and put up for sale by the drift wood inspector. Under cover of this rule, the village

Flag A.

Village heads are apt to
permit any amount of
sand. They do not pro-
perly distinguish drift "wood"
from drift "timber", and
even go the length of
converting "timber" into
"wood", with a view to
defrauding the Government
of its revenue, without
any fear of their fraud
being detected (b) The
village heads have already
very heavy duties to dis-
charge in connection with
the collection of land revenue.

3. The Collector considers
that the proper control of the
drift wood operations
would require an esta-
blishment consisting of a
Deputy Ranger, two Foresters
and a large staff of
watchers. As the Board,
however, has already declined
to sanction any special
establishment for the
work, the Collector sees
no

Flag C.

no other alternative than
to lease out in stripes
the right to collect drift
wood and timber. The
Conservator of Forests,
Northern Circle, recommends
that some drift produce
at least should be dis-
posed of by contract and
not departmentally. The
Conservator agrees with
the Collector in thinking
that an attempt to observe the
distinction between drift
"wood" and drift "timber" and
to lease out only "timber" col-
lection, will result in consi-
derably lower offers being
made by contractors than
otherwise. The Board of
Revenue considers that
"the difficulties explained
"by the Collector can best
"be met and the
"desired simplification
"be secured by omitting
"from the rules all reference
"to drift wood, and
by

Flag D.

by reducing the size of timber to nine inches".

The Board adds that if the system of leasing is then extensively adopted, the contractor can be left to protect his own interests.

4. As will be seen from paragraph 3 of Board's Proceedings d. 25-3-85 disposed of in G.O. No: 579 d 18-5-85, the stoppage and seizure of drift wood "is a pure act of police, "the object in view being "restoration to the owners". It is, therefore, respectfully submitted that before the Collector's present proposal is approved, it would seem necessary to make sure that the above end would continue to be kept in view. The Collector and the Conservator furnish very little information as to how exactly the contract System is proposed to be worked

Flag E

worked or what departmental control will be exercised over the contractors. Orders are solicited as to whether, in the circumstances, a report should not be called for on the above points before the rules are approved by Govt.

BMD 31.3.98

Sir

I submit that it was not quite correct to say that "the system of stoppage & seizure of drift wood is a pure act of police; the object in view being restoration to the owners."

There is another important object viz. prevention of the theft of Govt timber which would ensue if the collection of ~~drifted~~ drift wood was uncontrolled.

The ~~present~~ rules proposed by the Board will, through competition ensure Govt its full share of the val

G.O. 579 d. 18-5-85 E

Yes: as well also the right of Govt to ownerless drift wood, just as to flotsam & jetsam

SVR

DL 29/5/98

Q = Copy [illegible]

of owners to drift-wood
Private owners of drift
wood will be just as
well off as under the
Existing system.
Practically the village
heads ~~can be~~ can be are more
controlled ~~than~~ than
the contractors. If it is
thought however that
private interests may
be detrimentally affected
by the change from
annual to contract
it might be well to
first ascertain the
extent to which
private owners have
under the present rules
been able to establish
claims to drift-wood
& how much of the
drift wood collected
has been sold as owners
& how much has been
handed over to an owner.

HLL
4/4/98

Hon.

I think the Board's rules may
given a final subject to Deputation at the end of two years

WRR 25/4/98

Issue 8/7/98
Secy
Please see draft below
HL 28/4/98

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189.

READ AGAIN G.O., No. 189, DATED

CURRENT N

ENCLOSURES TO C. No.

LETTER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—
A = Copy in full.
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