

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1907.

DATED

2nd May 1898

[Despatch Abstract.]

Approving with remarks draft
of the Godavari Draft-Financial 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 (1893) Department.

CURRENT No. 2147

Dr. sharp
2/5/98

Read B.P. No 147 him
 Order in C. No. 180 him
 Order in C. No. 1907 of 2.5.98.
 The Govt. consider that
 the draft rules
 drawn up by the Board
 should be given a trial
 subject report at the end of two years.
 They should be
 published in the Goda-
 vari District Gazette
 & made known as widely
 as possible in the
 District

From
 The Board of Revenue, Land Revenue,
 Madras
 Forest No. 147 His.

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 3-11-96 regarding
 registration of property marks are
 included in the Godavari District
 Transit Rules submitted separately.

Me
 29/4/98
 To the Hon. Secy.
 with enclosed for
 3/5/98

BACK PAPERS.

G.O.	No.	Department.	Date.
1-11-96	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 of 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 St.

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 saved 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 saved, 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~~.

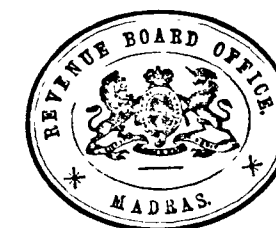
III All salvaged drift timber shall be retained in the custody of the person to whom it has been handed and shall be advertised in a single issue of the District Gazette. If not claimed within one month from the date of advertisement, or if claims made be not substantiated the timber shall be sold by 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~~ ^{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.

Recd
Secretary.



Proceedings of the Board of Revenue

(Land Revenue).

Forest No 147 Mls, dated 14th March 1898

Read Endorsement of the Conservator of Forests N.C dated 13th 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)

Reel

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

Secretary

Revenue (1898) Department.

CURRENT No. 2407

From

The Board of Revenue, Land Revenue.

Madras

Forest No. 180-Mis.

Dated 23rd March 1898

Received 25 - 20 -

Registered 26 - 20 -

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.

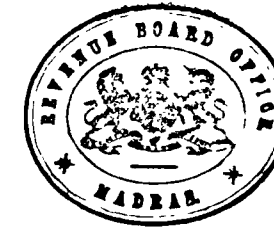
BACK PAPERS.

G.O.	No.	Department.	Date.
"	575	8m	3-11-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
20-1-99.



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 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 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 March 1898, 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)

Keen

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.

Note.

The papers now submitted for order 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

2294/98.

either set of draft rules, and submit a set prepared by itself for the consideration and order of Government.

2. Under the rules now in force for the control of the drift wood operations, the custody and disposal of salvaged drift "wood" and "timber" are mainly entrusted

to the village munsiffs.

(Vide the rules in G.O. No.

586 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 follow-

ing reasons:—(i) The village

munsiffs, as a rule, do

not furnish the District

Forest Officer with lists

of salvaged drift wood and

timber in proper time.

This conduces to fraud,

the

* Flag A.

* Flag B.

C. No. 2147/96.

Flag A.

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 G.O. No. 586 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

Uage heads are apt to
omit any amount of
land. They do not pro-
perly distinguish driftwood
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 (V) The
vill age 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 estab-
lishment consisting of a
Deputy Ranger, two Foresters
and a large staff of
watchers. As the Board,
however, has already decided
to sanction any special
establishment for the
work, the collector sees

no

Flag C.

Flag D.

no other alternative than
to lease out in strips
the right to collect drift
wood and timber. The
Conservator of Forests,
Northern Circle, recommends
that some drift products
at least should be dis-
posed of by contractors 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 con-
siderably lower offers being
made by contractors than
otherwise. The Board of
Revenue considers that
"the difficulties explained"
"by the Collector can best"
"be ~~over~~ met and the"
"desired simplification"
"be secured by omitting"
"from the rules all reference"
"to drift wood, and
by

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.

As will be seen from
paragraph 3 of Board's
Proceedings d. 25-3-85 dis-
posed of in G.O. No: 549 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 owner".

It is, therefore, respectfully
submitted that before
the collector's present
proposal is approved, it
would seem necessary to make
~~sure~~ ^{sure} that the above end would
continue to be kept in
view. The collector and
the conservator ^{furnish} ~~bring~~
very little ^{information} as to how
exactly the contract
system is proposed to be
worked

Flag E

worked or what depart-
mental control will be
exercised over the contra-
ctors. Orders are solicited
as to whether, in the cir-
cumstances, a report
should not be called
for ^{on the above points} before the rules are
approved by Govt.

MM
31-3-98

Secy

I submit that it is
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 owner."

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

The present rules
proposed by the Board
will ^{thus} ~~ensure~~ ^{insure} Govt to get
its full share of the value

G.O. 578 d
18-5-85 E

Yes: as well also
the right of Govt. to own
drift wood, just as to
Kotam & Jettam
S/P

of ownerless drift-wood.
 Private owners of drift-wood will be just as well off as under the existing system.
 Practically the village heads ^{can be} ~~will be~~ as more controlled ~~than~~ than the contractors. If it is thought however that private interests may be detrimentally affected by the change from amani 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. Or how much of the drift-wood collected has been sold as ownerless & how much has been handed over to an owner.

MLE
 4/4/88

Hu.

I think the Board's rules may prove a trial subject to report at the end of two years.

W. J. 25/4/98

Issue 817/578
 See draft below

When given for copying _____
 When copied _____
 When examined _____
 When signed _____ } 189

READ AGAIN G.O., No. 189

DATED

CURRENT N

ENCLOSURES TO G. No.

NAME 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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