

25th Feb 1898

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3930

DATED 1st Dec 98

[Despatch Abstract.]

Stating that the Govt. at present sees no sufficient reason to cancel block, as proposed by the Board, the Timber Transit Rules ~~approved~~ for the Pithor District approved in G.O. No. 305 d. 25-5-98, and requesting the Bd to consider in what respects modifications may be required in ^{these} rules.

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

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cus.	2491/99 =			341			
				30-5-99			

CURRENT No.

From

84-7-88

The Board of Revenue;

Invest No 4996 on hand

497000 huc

2. *Pericoma quadra*

Orderwise 3930-241st Oct. 198

The Fort at present sees

Forest No. 284 Ref

No sufficient reason to

Cancel the miles on block

a. proposes to the Bd.

Dated 4. 7. 98

Received

Registered 7-1-19

Enclosures

Spare copies

2. The Bd. is requested to

Consider, in consultation with

The Collection and the Conservation

in what respects modification

may be required & in particular

whether the enforcement of

The rule ^{may} ~~be~~ limited.

To each of the Father's & the

Dr. Sub. as earlier times

Forest - pro.

1000
1000 1000

30/11 9/10/8

John W. L. R. 6-10-98

SUBJECT

Stating that the sanction
accorded by Government
to the draft Timber Transit
Rules for the Western District
should be rescinded for reasons
stated within, and that the
rules should accordingly
be remitted to the Collector
for revision.

John W. L.R. Sec. 6-10-98

BACK PAPERS.

G.O.	No.	Department.	Date.

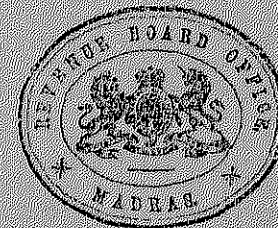
FURTHER PAPERS.

G.O.	No.	Department.	Date.

[75]

Reference on Forest Register No. 1331 of 1888.

In replying the above should be quoted.



(Land Revenue).

READ Government Order, Revenue Department No. 305,
dated 25th May 1898.

Reference No. 284, dated 4th July 1898

The Board regrets that when submitting for approval the draft Timber Transit Rules for the Kistna District it omitted to notice that the proposal to schedule the whole district involved a departure from the main principle of the model rules which is not justified by the reason assigned in the casual allusion to that point which is made in para 4 of the Collector's letter.

2. It will be remembered that the application of import, export and transit rules to whole districts was strongly objected to in G.O. No. 667 Rev. dated 5th June 1885. The Board was called on to prepare a revised draft, the transit rules being restricted to clearly defined local areas instead of to whole districts. The preparation of the draft rules involved considerable discussion as it was found that local conditions varied greatly, while in some districts no transit rules of any kind were required, and eventually the Board submitted a set of model or standard rules which with certain modifications were approved by Government.

in G.O. 707 Rev, dated 29. 10. 1895.

3. Rule 2 of the standard rules prescribes that timber shall not be moved without a permit within specified areas and rule 6 prescribes that the permit shall be produced on demand anywhere within these areas.

4. The nature of the areas to be scheduled were briefly discussed in paras 4 and 5 of Board's Proceedings No. 314, dated 16th May 1894 and with reference to former papers and the Conservators' reports it was pointed out that transit rules were mainly required when there were large areas of Government reserved forests containing timber liable to be cut for purposes of trade.

5. Following this principle only one Taluk has been scheduled in the Ganjam Rules and two in Karnool. In the Simdeh Rules which Government will receive shortly it is proposed to schedule merely the fringe of forest land adjoining the Travancore boundary. In Godavari a much larger area has been scheduled but in submitting the rules it was clearly shown that the principle of the rules was not infringed thereby, and similarly when sanction was applied for to schedule the whole district of South Canara, which is essentially a forest district, it was pointed out by the Collector that in every Taluk there are scattered private forests, mulpattas, temple forest and wage lands from which timber is exported to coast ports.

6. In the case of Kistna the only ground assigned for scheduling the whole district is that permits are collected by village officers instead

instead of at checking stations and a person taking out a permit selects any village head as the officer to whom he will hand it up. No doubt this is a convenience to the person purchasing timber from Government forests but it presses hardly on purchasers from private timber dealers of whom there must be many in the Kistna District which depends so largely on imported timber for its supplies.

7. The Board regrets its omission to notice this point when the rules passed through its hand, but considers that the principle of restricting transit rules to forest areas should be adhered to, and therefore recommends that the sanction accorded to the draft rules should be rescinded and the rules remitted to the Collector for revision with reference to the remarks now made.

Colonel D. A. C. S.
Sg. Secretary

To The Secretary to Government, R. D.

Educational (189⁸) Department.

Revenue

CURRENT No. 624

From

The Board of Revenue, Land Revenue,
Madras.

Order R.

Recorded with
reference to G.O. No. 8.

Dated 7th September 1898

Received //

Registered 12 in

Enclosures

Spare copies

SUBJECT.

Informing the Collector of Kistna
that a reference was made to Govern-
ment suggesting the desirability of
reconsidering certain provisions em-
bodied in the Timber Transit Rules
as approved by the Board and that
the publication of the rules must
therefore be deferred pending receipt
of orders on that reference; and req-
Government to inform the Board when
orders are likely to issue on the subject.

To
The Secy. of Rev. (L.R.)

Note.

The Dept. G.O. No. 4754
is now with
the Secy.

Read this at the
head of that G.O.
of course. We are
this not put up
with that file? Is
the
two so

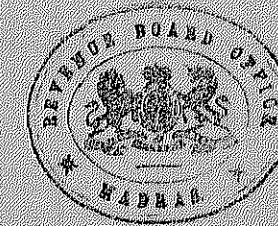
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
18-7-08.



Proceedings of the Board of Revenue (Land Revenue).

Forest NO.497 Routine, dated 7th Sept. 1898

Read letter from R. Morris Esquire, Collector of Kistna, dated 29th August 1898, R.C. No. 713/E & C, enquiring when the Timber Transit Rules for the District are likely to be passed so that they may be published in the District Gazette.

Resolution.

The Collector will be informed that a reference was made to Government on the 4th July suggesting the desirability of reconsidering certain provisions embodied in the Timber Transit Rules as originally approved by the Board, and that the publication of the rules must be deferred pending receipt of orders on that reference.

2 The Government will be requested, if possible, to inform the Board when orders are likely to issue on Board's Proceedings No. 284 Forest, dated 4th July 1898.

(True Extract)

Lonel Sankar

Ag. Secretary

To the Collector of Kistna.

To the Secretary to Government, N.D.

B.P. L.R. For no 284 Refe
dy 4. VII. 98
(Cm. 4754 of 98)

To the Under Secretary

The Board of Rev.
brings to notice that when,
in March last, it submitted
the draft of the Kistna
timber transit rules, it
overlooked the fact that the
proposal therein involved
of scheduling the whole dis-
trict was inconsistent with
the views expressed by Govt
in its order no 667 Res dy 5th
June 1886. It points out that
these views have been given
effect to in the preparation
of the rules for other
districts in respect of which
rules have already been
promulgated and considers
that there is no sufficient
reason for a deviation
therefrom in the case of
Kistna. It accordingly
suggests that the Kistna rules
approved

no 60. 305
25. V. 98

C.24/12/98
12/9/98

approved in G.O. no 305 of 25th May last may be cancelled and the Collector asked to draw up and submit a revised set of rules for publication.

2. It is submitted that it is very doubtful whether the Board of Revenue has correctly interpreted the views of the Govt of 1885 or whether it can be considered to have fully set forth the circumstances under which the District rules had been approved by Govt.

3. From the G.O. of June 1885, it will be seen that the Govt. at the time did not express any definite opinion on the special point now raised by the Board of Rev. - and in fact on any point. What it did was to concur generally in the views advanced by Sir Henry Stokes in his note of the 13th April 1885, thus

reserving

B
no 667 Last page
5. vi. 85

printed on pp 1-5
of B

reserving to itself complete freedom in the matter of the subsequent disposal of particular points raised in that note. Sir Henry Stokes no doubt was strongly opposed to the scheduling of whole districts which, in his opinion ~~was~~ ^{view of the} would be inconsistent with the Forest Bill Committee of 1882. From Sir Henry, however, contemplated the possibility of exceptions to what he considered ought to be the general rule on the subject, as will be seen from the following remarks of his:-

Para 3
of the note

Para 4 of
the note

"District limits may be local limits within the various
"ing of the Section, but when
"district after district is brought
"under later rules, until the
"whole Presidency is covered,
"intention of the law is not
"tamely defeated. x x x x x
"the law requires Govt. to consider and be satisfied of the
"necessity

"necessity of making rules as regards each area"

Later on, he says "all ^{the} rules give power to Police officers to demand passes; and when rules apply throughout whole districts, this, I submit, is very inexpedient" and he ^{this part of his note} concludes by proposing

"To make rules under Sec 35 strictly limited in operation both as to classes of timber and as to area of application with reference to proved necessity for special arrangements and to means available for carrying them out."

The model rules subsequently approved in G.O. no 707 Rev. of 29th Oct 1895, did not also contain anything in them which prohibited the scheduling of whole districts in case such a procedure was deemed desirable.

It would thus appear that the promulgation of the Kistna rules with all the Govt Catalogue Scheduled

para 6 of the note

Para 7 of the note

C

Scheduled ^{cannot} ~~could~~ be said to be inconsistent with the views expressed in the G.O. of June 1885, if before such promulgation, the Govt had considered the question and fixed "the area of application with reference to proved necessity for special arrangements and to means available for carrying them out"

As to the point last mentioned, attention is solicited to G.O. no 3837 Rev. of 24th July 1897 and to the notes stitched with G.O. no 308 Rev. of 25th May 1898. It will be seen therefrom that in April 1897, the Collector of Kistna submitted a set of draft rules which the Board in July of the same year forwarded to Govt with a few alterations and with the remark that "the rules have as observed by the Conservator evidently been drafted with the view of

Para 2 of the
Rev. no 3837
26.7.97

"of avoiding as much in-
convenience to the public
as possible". These rules were
however altogether different
from the model rules appro-
ved in G.O. No 707 Rev'dy 29th
Oct. 1890 and the Govt sent
them back for revision re-
marking as follows:-

" X X X X X X X X X X

"the Govt considers that the
"reasons now put before it
"are insufficient to justify such
"a total departure from the
"model rules as that now
"proposed by the Collector

1. ☒ 2. ☒ 3. ☒ 4. ☒ 5. ☒ 6. ☒ 7. ☒ 8. ☒ 9. ☒ 10. ☒

" It may be that in the particular circumstances of the Kistna district considerable deviations from the model rule would be justified, but full reasons should be given x x x

6. The revised rule which were subsequently approved by Govt in May last were then submitted. Even according to the intention

Para 3 of
Sir H.S. note, page
2 of L.O. 667
5.6.85

of the Forest Bill Committee
the chief object of enacting
Sec 35 "was to give legal
"sanction to the licence and
"voucher or as it is now
"called the permit system, of
"which the Security is the
"recovery of the permit and
"the examination of the timber
"filled under it at the forest
"tannas or Statewis." the

Para 3 of
Colin Little, page
2 of L.O. 305
25.295
Para 2 of the
B.P. page 3 d

recovery of permits by means of village officers was in most districts considered to be impracticable though an object much to be desired. In Kishna however the system had been in force for three years and a quarter and had been found to work with considerable success. The Dy. C. the Conservator and the Collector all agreed in thinking that the model rules should be altered to give effect to the above system. They also pointed out that this would necessitate the enlargement

Para 6 of the
Collⁿ.

of the scheduled area "so
 as to make any person to
 (sic) select any villager head
 as the officer to whom he
 will hand up his permit
 within the prescribed time"
 The Board endorsed these
 views and the Govt. ap-
 proved of the proposals
 as a special case.

The rules have
 already been published. In
 suggesting their cancellation
 the Board has not consulted
 either the Collector or the
 Conservator. The question
 therefore whether it would
 not be better to wait for a
 year or so and see how the
 rules are being worked be-
 fore their cancellation is
 decided on is submitted for
 orders.

10/10/98

Secy

The Govt., unlike
 the Bd., had I submit, its eyes
 open when it approved of
 the rules for Kuitna.

If the rule from

I cannot understand the
 necessity for applying the rules all
 over the district. It must be
 extremely vexatious to the people.

Most of the timber consumed
 in the dist. is floated from
 Godwari down or up the canal
 to Beywada & thence distributed
 after sale at the
 large wood depots.

As the rules have been
 sanctioned by Govt. it is inadvisable
 to cancel them en bloc but
 the Bd. should after ref. to the
 Colr. consider in what respects
 modification may be required & in
 particular whether the enforcement
 of the rules cannot be limited
 to talukas containing timber
 forests. A-29.9.98.

operation, they may be
 altered. But, I submit, that
 there seems to be no
 reason for an immediate
 cancellation of the rules
 because the Bd. was
 not aware of their
 exact force when submitting
 them for the sanction
 of the Govt.

M
 27/10/98

H.M.

The rules might be
 given a trial for a year?

S.P. 10/10/98

Secy

Please see draft on
 the docket

M
 30/9/98

2nd
 8/11/1078

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

189

READ AGAIN Q.O., No
189

DATED

CURRENT No.

189

ENCLOSURE TO Q. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATE WITH DUTY

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL

F.B.—

- A = Copy in full
- B = Not to be copied
- P = Copy abstract only
- Q = Copy heading only

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