

Revenue (1898) Department.

PRESS SERIES.

G.O., No. 305

Dated 25 May.

[Despatch Abstract.]

Timber Transit Rules.

Approving, with remarks, the revised
— for the Kistna district, and ordering their
publication in the Goh. St. George and the
Kistna Lb. Gazette.

BLACK PAPERS.

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FURTHER PAPERS.

G.O.	No.	Issued.	Recd.	G.O.	No.	Received.	Date.
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Government (1898) of Madras.
REVENUE.

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Enclosures

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1898.

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G.O., No. 305, 25th May 1898.

MAY.

Timber Transit Rules.

Approving, with remarks, the revised — for the Kistna district, and ordering their publication in the Fort St. George and the Kistna District Gazettes.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., Mis. No. 3837, Revenue, dated 24th July 1897.

ABSTRACT.—Returning to the Collector of Kistna, through the Board, for reconsideration and revision, if necessary, the draft rules to regulate the transit of timber in the district.

READ—also the following Proceedings of the Board of Revenue (Land Revenue), Forest No. 90, dated 8th March 1898:—

Read—again Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 766, dated 3rd August 1897:—

ABSTRACT.—Communicating to the Collector of Kistna, for early report, which should be submitted through the Conservator of Forests, Northern Circle, Government Order returning to the Collector of Kistna through the Board for re-consideration and revision, if necessary, his draft rules to regulate the transport of timber in the district.

Read—also the following letter from R. MORRIS, Esq., Acting Collector of Kistna, to the Secretary to the Commissioners of Land Revenue (through the Conservator of Forests, Northern Circle), dated Masulipatam, 29th October 1897, Dis. No. 1080-Forest:—

With reference to Government Order, Mis. No. 3837, dated 24th July 1897, embodied in Board's Proceedings, Forest Mis. No. 766, dated 3rd August 1897, I have the honour to forward herewith a revised set of rules under sections 35 and 36 of the Forest Act for the control of export, import and transit of timber from, to or in the district.

2. I have adhered as far as possible to the sample rules sanctioned by the Government.

3. It will be noticed that in Board's Proceedings, dated 16th May 1894, Forest No. 314, Mr. Peet strongly advocated the collection of all permits after use. The Conservators of the other circles declared that although this was an object much to be desired, it seemed impracticable. In May 1894, Mr. Lushington suggested to the Acting Collector Mr. Rawson that the collection might be made feasible if village officers were made the collecting officers, instead of issuing officers, of forest permits. He suggested that any village head might collect the permits and might utilise the services of any other village officer to help him; that every month a check statement should be sent by the Range officer through the Tahsildar to each village head showing what permits ought to have been collected in his village, and giving him five days in which to complete the collection. As there are upwards of 1,500 villages in the district and on the average about six village offices this arrangement creates 9,000 tannahdars or collecting officers, in the place of 37 ordinary tannahdars as there were before, and affords the greatest possible facility to permit-holders to give up their permits in the proper time. Mr. Rawson expressed his entire approval of the scheme, but ordered it to lie over for the decision of Mr. Atkinson, the permanent Collector then on leave. Mr. Atkinson likewise expressed his entire approval; and a Collector's order to this effect was promulgated under the rules under section 26 of the

Forest Act. This arrangement has therefore been in force now for three and quarter years, and has worked with considerable success; and has therefore been inserted at the end of rule 6 of the Timber Transit Rules now proposed. Between 95 and 96 per cent. of the permits are now collected, and of the balance the greater portion have been reported as lost, and therefore cancelled, within the date of expiry, in accordance with the provision now made. Hardly quarter per cent. of the permits were neither given up nor duly reported as lost and cancelled; and in the circumstances it may be said that the collection of permits after use is quite feasible.

4. The introduction of this regulation into the rules is the principal departure from the sample rules. The area under "Scheduled districts" is therefore larger than in most districts, and comprises the whole of the Government taluks, so as to make any person to select any village head as the officer to whom he will hand up his permit within the prescribed time. Rule 6 also has been modified to meet the requirements of this regulation.

5. At present it is considered unnecessary to have checking stations elsewhere in the district; but it may be found later that such stations are necessary to regulate the import of timber; and the sample rules have been adopted to meet that contingency.

6. The regulation referred to in paragraph 3 obviates the necessity of specifying certain large towns with checking tannahs.

7. It has been deemed advisable to modify the rule relating to the form of Government permits. The ordinary timber or firewood permits will generally meet all requirements without having another special form. When timber taken from the forest has already once been checked, it can be considered as private timber, and can be passed on the private pass (Form II). To prevent undue interference with timber imported by sea (e.g., teak from Burma) to Masulipatam, it has been deemed advisable to allow the bill of lading or ship's manifesto, checked by the Port Officer, to hold good.

Endorsement by A. W. PEET, Esq., Conservator of Forests, Northern Circle, dated Camp, Bangalore, 28th December 1897, Ref. on C. No. 856.

In forwarding I have the honour to remark that I returned the draft sent originally with this letter because it was not very clear. This original draft with its marginal notes is enclosed for information, and a formal draft is sent for orders. It seems to me that this provides for what is wanted in the Kistna district, where village officers and not tannahdars recover permits.

Resolution—Forest No. 90, dated 8th March 1898.

Submitted to Government with reference to Government Order, Mis. No. 3837, dated 24th July 1897.

2. In the above order the Government observed that the rules under sections 35 and 36 of the Forest Act for the Kistna district, submitted with Board's Proceedings, Forest Mis. No. 610, dated 25th June 1897, involved a total departure from the model transit rules sanctioned in Government Order, No. 707, dated 29th October 1895, and desired that a full report in justification of such deviation should be submitted and the rules revised, if necessary. The Collector has now drawn up a set of draft rules revised with reference to the remarks of Government, but the Conservator has again recast them following the model rules as far as local circumstances admit. The Board proceeds to consider the Conservator's draft.

3. The main difference between the proposed rules and the model rules consists in the fact that in the former provision is made in rule 6 for the recovery of all permits by village officers. It is true that, as pointed out by the Collector, the other two Conservators considered this to be impracticable, but in the peculiar circumstances of the Kistna district where a large staff is maintained as issuing officers in connection with the *parcellaire* system of grazing, and where the village officers are utilized as collecting

officers, the difficulty anticipated by the other Conservators is not likely to occur. As a matter of fact the arrangement in question has been in force in the district for upwards of three years in connection with the rules under section 26 of the Forest Act and is said to have proved successful; and there is no reason to suppose that it will not work satisfactorily in connection with the transit rules.

4. It is observed that the Collector considers it unnecessary at present to have checking stations outside the scheduled areas. Provision has, however, been made in the rules empowering the Collector to fix such stations when the necessity to regulate the import of timber arises. There seems to be no objection to this course.

5. The Conservator's proposed rules are open to the following remarks:—

(a) In the preamble to the rules the Conservator has omitted to provide for the exemption of timber removed under the concession granted in rule 7 of the general rules under section 26 of the Forest Act. The omission has been supplied by the Board.

(b) It is understood that Conservator's rule 1 has been incorrectly copied. It should run thus:—"It shall not be lawful to import timber into or export timber from the Kistna district, except by the routes specified in schedule A appended to these rules and unless accompanied by a permit as specified in rule 4."

(c) Conservator's rule 3 is made very general by the inclusion of villages and towns in the scheduled area. It has not been explained how the timber removed into a town is to be checked outside it. The Collector states in paragraph 6 of his letter that provision having been made for the recovery of all permits by village officers there is no necessity for providing large towns with checking tannahs. The Board understands that it is intended to enter in the column of remarks in Form No. I the village (adjoining the town) to the head of which the permit should be handed over. As regards private timber imported into towns the Collector promises in paragraph 5 of his letter to notify checking stations later on. The Board has no objection to the retention of the rule as proposed by the Conservator.

(d) The concluding sentence of rule 4 does not find place in the model rules and has been inserted to protect imports by the sea. The forms referred to in this rule have not been submitted by the Conservator. They have been added in the Board's office.

(e) In rule 6 the first sub-clause (viz.) "It shall not be lawful to use . . . writing of the District Forest-officer" has been newly added by the Conservator. There is no particular objection to the sub-clause in question and the Conservator has informed the Board that it has been inserted to provide against misunderstandings. For the same reason the Board considers that the sub-clauses 4, 5 and 6 may be retained.

(f) The word "removed" in line 2 of rule 7 should be altered into "moved" to correspond with the word used in the model rules and in section 35 of the Forest Act. Form III for the certificate of registration referred to in this rule was not forwarded by the Conservator and the omission has been supplied by the Board.

6. A final draft of the rules revised with reference to the foregoing remarks together with schedules and forms is appended to these Proceedings. The Board requests that the rules may be published in the *Fort St. George Gazette*.

7. It is observed that the list of private lands given in the margin of the Conservator's rule 4 and the note at the foot of his schedule A are obviously not intended to be printed with the rules and the schedules. The Board has accordingly omitted them in the draft as revised by it.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with Collector's and Conservator's draft rules in original.

ORDER—No. 305, Revenue, dated 25th May 1898.

Forest No. 89.

The revised timber transit rules for the Kistna district, now submitted, are approved and will be published in the

Fort St. George and the Kistna District Gazettes, subject to the following additions and alterations:—

(1) *Preamble*.—In line 2, after the word "India," the words "or Burma" will be inserted.

(2) *Rule 1*.—In the heading of the rule the word "Presidency" will be corrected into "District."

(3) As in the case of the Kurnool rules, the following rule prescribing the time when the new rules shall come into force will be added at the end as rule 10:—

"These rules shall come into force on the expiry of thirty days from the date of their publication in the District Gazette."

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).
„ the Superintendent, Government Press.

End. W. D'Moss.

40 Copies.

[Appendix.]

APPENDIX.

TIMBER TRANSIT RULES, KISTNA DISTRICT.

Preamble.

Under sections 35 and 36 of the Madras Forest Act (V of 1882), His Excellency the Governor in Council is pleased to make the following rules.

In these rules timber includes all classes of timber as defined in the Madras Forest Act (V of 1882), except timber not grown in India or Burma; timber cut up or fashioned otherwise than is usually or permissibly done before timber is removed from the forest in which it has been felled; timber removed under the concession granted in rule 7 of the general rules under section 26 of the Forest Act, and small wood for fuel in quantities less than one head-load:—

1. *Import and export of timber from and to localities outside the district.*—It shall not be lawful to import timber into or export timber from the Kistna district except by the routes specified in schedule A appended to these rules and unless accompanied by a permit as specified in rule 4.

2. *Transit of timber within specified areas.*—It shall not be lawful to import timber into or export timber from or move timber within, the areas specified in schedule B appended without a permit as specified in rule 4.

3. *Import of timber into towns and villages.*—It shall not be lawful to move timber into any of the towns or villages within the areas specified in schedule B unless accompanied by a permit as specified in rule 4; and without reporting it at the station mentioned in the permit.

4. *Forms of Permits.*—In the case of timber from Government land the permit shall be a printed one in form I appended; or in such forms as may be issued from time to time by the Board of Revenue for timber and firewood; in the case of timber from private lands expressly notified by the Collector from time to time in the District Gazette, the permit shall be a printed one in form II appended and supplied by the District Forest-officer free of charge; and in the case of timber from all other private lands and from foreign territory, the permit may be printed or written and shall also be in form II. In the case of timber imported by sea into the port of Masulipatam the Bill of Lading and Manifesto received from the steamer or ship by the Port officer shall serve the purpose of a permit under this rule.

5. *Issue of Permits.*—Permits in form I shall be issued in triplicate except in the case of head-loads of firewood and shall have all the columns filled up by a duly authorized officer who shall sign and date each part, hand over the original to the purchaser, send the duplicate to the officer in charge of the Forest referred to therein, and keep the triplicate attached to the book as a counterfoil for record in his office.

Permits in form II (whether printed or written) shall be in duplicate and shall have the columns filled up by the owner or his authorized agent; the original shall be handed over to the person authorized to move the timber and the duplicate shall be kept as a counterfoil for at least six months from the date of issue and shall be produced for inspection at any time within that period on the application of any Forest officer not under the rank of Forester.

6. *Check of Permits.*—The permits referred to in the preceding rules shall, in the case of imported timber and timber for export, be produced with the timber for examination at any station which may be notified from time to time by the Collector in the District Gazette as a checking station and past which the timber may be taken; and in the case of timber in transit, the permit shall be produced anywhere within the limits of the scheduled areas when demanded by any Revenue, Forest or Police officer or at any of the checking stations notified by the Collector outside the scheduled areas past which the timber is taken, provided that it shall not be lawful to take any timber ~~off the road~~ from any road or river on which a checking station has been placed with intention to evade the production of the timber at a checking station. The quantity of timber under transit must not be greater than that entered in the permit; and if it is less, the same permit must not be used again to cover the deficiency.

It shall not be lawful to use a permit of any description after the date of expiry has elapsed nor to use it more than once within its period of duration, without the permission in writing of the District Forest-officer.

In the case of permits for import or export, or transit completely through the district as soon as the timber has been checked with the permit and found to be correct, the permit shall be endorsed under the signature of the officer checking it with the words "checked and passed" and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected tracts. Whenever possible, the timber may also be marked with a pass hammer-mark.

The checking stations for timber in transit shall not be more than five miles distant from the outer limits of the scheduled areas, except in cases in which it is considered necessary to guard against smuggling from unreserved lands into towns, or in places which afford special facilities for the regulation of traffic, such as the meetings of road and water communication. In these exceptional cases the sanction of the Board must be obtained before the checking station is notified. No demand shall be made for the production of a permit outside the scheduled areas, except at the checking stations.

In the case of timber taken from one to another part of the scheduled areas, the permit shall be given up to the checking officer of the village entered on the permit within the date of expiry; or if the permit is lost that fact must be communicated to the checking officer before the date of expiry; and the checking officer will report the fact to the District Forest-officer for cancellation, to prevent its being used again.

The permit-holder is at liberty to have his timber checked, and permit collected at any village in the scheduled areas, and may have the name of that village inserted on the permit; but, after he has once taken his permit, the name of the village of the checking officer must not be altered without the consent of the District Forest-officer.

The checking officer will ordinarily be the head of the village, but the Collector may, by notification in the District Gazette, appoint any other person to perform the duties of checking officer.

7. *Use of property-marks—Registration of property-marks.*—The ownership of timber imported or exported for trade purposes or moved within protected areas may be indicated by a property-mark. All such property-marks shall be registered at the District Forest office, provided that the District Forest-officer may refuse registration and may cancel the registration of any property-mark if he considers that such property-marks cannot easily be distinguished from a Government mark or from a property-mark used by another person or for other good and sufficient reason which shall in every case be placed upon record by the District Forest-officer and submitted for the approval of the Collector. A certificate of registration in form III appended shall be granted by the District Forest-officer to the person registering.

8. *Date up to which the registration of property-marks has effect.*—Registration and each renewal of registration shall hold good from the date thereof until the 1st April following the date of registration.

9. Any person who moves, exports or imports timber in contravention of Rules 1, 2 or 3; refuses to deliver up a pass when demanded or to subject timber for examination in accordance with the provisions of rule 6; or, being a holder of land within any area described in schedule B, refuses to give or cause to be given a pass to cover timber grown on his land and exported from such area, or gives or causes to be given a pass not containing the prescribed particulars or one not in the form prescribed, or refuses to produce for inspection on the application of a Forest officer not below the rank of a forester, the duplicate of a pass issued in accordance with Rule 5; or neglects, in contravention of Rule 7, to register at the District Forest office any property-mark that he may have adopted shall be liable to imprisonment for a term which may extend to one month or to fine which may extend to Rs. 200 or both.

10. These rules shall come into force on the expiry of thirty days from the date of their publication in the District Gazette.

APPENDICES.

Schedule A.

Routes—

1. Nizam's State Railway.
2. East Coast Railway.
3. Local Fund road—Munagala-Bezwada via Garikipad, Sher Mahammedpet, Gavara-varam, Nandigama, Kanchakacherla, Ketanakonda, Ibrampatam.
4. Local Fund road—Tiruvur-Ibrampatam via Dasullapalem, Mailavaram and Kondapalli.
5. Local Fund road—Ellore-Bezwada via Viravalli and Gannavaram.
6. Local Fund road—Pondugal (alias Ayyagaripalem), Piduguralla via Dáchépalle.

Schedule B.

Palnad taluk, Vinukonda taluk, ~~Narsaraopet taluk, Dápatla taluk, Tenali taluk, Guntur taluk, Sattenapalle taluk, Nandigama taluk, Bezwada taluk, Gudirada taluk and Bandur taluk.~~

- (1) L. F. road from Masulipatam to Bezwada
- (2) The Masulipatam-Bezwada Canal.
- (3) The Illuru Mahatta Railway
- (4) The Bezwada-Madras Railway.

9

FORM III.

Certificate of Registration.

Under rule 7 of the rules under section 35 of the Madras Forest Act.

Name of person registering.	Description of device or property-mark.	Date of registration or renewal.	Remarks.
1	2	3	4

CERTIFIED that
has { registered } the above device or property-mark for the official year ending 31st March 189.
renewed

, residing at

District Forest-officer.

District Forest office,
189

(COUNTERFOIL TO BE RETAINED BY THE ISSUING OFFICER.)

FORM III.

Certificate of Registration.

Under rule 7 of the rules under section 35 of the Madras Forest Act.

1. Name of person registering.
2. Description of device or property-mark.
3. Date of registration or renewal.
4. Remarks.

, residing at

CERTIFIED that

has { registered } the above device or property-mark for the official year ending 31st March 189.
renewed

District Forest-officer.

District Forest office,
189

NOTES CONNECTED WITH G.O., No. 305, REVENUE, DATED 25TH MAY 1898.

[SUBJECT.—Kistna Timber Transit Rules.]

Read—again G.O., Mis. No. 3837, Revenue, dated 24th July 1897.

Read—also Board's Proceedings, No. 90, Forest, dated 8th March 1898.

To Under Secretary—

With its Proceedings No. 610, Forest, dated the 25th June 1897, the Board of Revenue submitted for the approval of Government rules under sections 35 and 36 of the Forest Act (Madras) for the purpose of regulating the transit of timber in the Kistna district. In the order read again above, the Government observed that the rules submitted by the Board involved a total departure from the model transit rules approved in G.O., No. 707, dated 29th October 1895, and desired that a full report in justification of such deviation should be submitted and that the draft rules should be revised if necessary. With reference to the above remarks of Government the Board now submits a revised set of draft rules (printed as an appendix to the Board's Proceedings) and requests that they may receive the sanction of Government.

Paragraph 4 of the Collector's letter.
Paragraph 3 of the Board's Proceedings.

2. As remarked by both the Collector of Kistna and the Board, the principal difference between the draft rules now submitted and the model rules occurs in rule 6 regarding the check of permits. The draft rule and the model rule are shown side by side below for facility of comparison—

Rule 6 of the Draft Rules at pages 5 and 6
of the Board's Proceedings.

Rule 6 of the Model Rules in G.O., No. 707,
dated 29th October 1895.

(Clause I).—Same as in the draft rules.

(Clause I).—The permits referred to in the preceding rules shall, in the case of imported timber and timber for export, be produced with the timber for examination at any station which may be notified from time to time by the Collector in the District Gazette as a checking station and past which the timber may be taken; and in the case of timber in transit the permit shall be produced anywhere within the limits of the scheduled areas when demanded by any Revenue, Forest or Police officer or at any of the checking stations notified by the Collector outside the scheduled areas past which the timber is taken, provided that it shall not be lawful to take any timber off or to pass from any road or river on which a checking station has been placed with intention to evade the production of the timber at a checking station. The quantity of timber under transit must not be greater than that entered in the permit; and if it is less, the same permit must not be used again to cover the deficiency.

(Clause II).—It shall not be lawful to use a permit of any description after the date of expiry has elapsed nor to use it more than once within its period of duration without the permission in writing of the District Forest officer.

Rule 6 of the Draft Rules at pages 5 and 6 of the Board's Proceedings—cont.

(Clause III).—In the case of permits for import or export, or transit completely through the district, as soon as the timber has been checked with the permit and found to be correct, the permit shall be endorsed under the signature of the officer checking it with the words "checked and passed" and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected tracts. Whenever possible, the timber may also be marked with a pass hammer-mark.

(Clause IV).—The checking stations for timber in transit shall not be more than five miles distant from the outer limits of the scheduled areas, except in cases in which it is considered necessary to guard against smuggling from unreserved lands into towns, or in places which afford special facilities for the regulation of traffic, such as the meeting of road and water communication. In these exceptional cases the sanction of the Board must be obtained before the checking station is notified.

No demand shall be made for the production of a permit outside the scheduled areas except at the checking stations.

(Clause V).—In the case of timber taken from one to another part of the scheduled areas the permit shall be given up to the checking officer of the village entered on the permit within the date of expiry; or if the permit is lost that fact must be communicated to the checking officer before the date of expiry; and the checking officer will report the fact to the District Forest officer for cancellation to prevent its being used again.

(Clause VI).—The permit-holder is at liberty to have his timber checked and permit collected at any village in the scheduled areas, and may have the name of that village inserted on the permit; but, after he has once taken his permit the name of the village of the checking officer must not be altered without the consent of the District Forest officer.

(Clause VII).—The checking officer will ordinarily be the head of the village, but the Collector may, by notification in the District Gazette, appoint any other person to perform the duties of checking officer.

On comparing the draft rule with the model rule it will be observed that the difference between them consists mainly in the fact that in the draft rules provision is made for the recovery of all permits by village officers. With reference to this special provision, it is stated that in 1894 the Conservator of Forests, Northern Circle, strongly advocated the collection of permits after use, but that the Conservators of the two other circles, while admitting that it was an object much to be desired, considered it impracticable. In the peculiar circumstances, however, of the Kistna district where a large staff was maintained as issuing officers in connection with the *parcellaire* system of grazing, the collection of permits by village officers was thought feasible, and as a matter of fact it would seem

Paragraph 3 of the Collector's letter.

Rule 6 of the Model Rules in G.O., No. 707, dated 29th October 1895—cont.

(Clause II).—As soon as the timber has been checked with the permit and found to be correct, the permit shall be endorsed under the signature of the officer checking it, with the words "checked and passed," and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected tracts. Whenever possible, the timber may also be marked with a pass hammer-mark.

(Clause III).—Same as clause IV of the draft rule, excluding its last sentence.

(Clause IV).—Same as the last sentence of clause IV of the draft rule.

that the village officers have been utilised as collecting officers for upwards of three years in connection with the rules under section 26 of the Forest Act. The arrangement in question is reported to have proved successful, and the Collector proposes that the same arrangement may be continued in connection with the transit rules, and has accordingly provided in rule 6 for the check and recovery of permits by village officers (clauses 5, 6 and 7). The Board

Paragraph 3 of the Board's Proceedings. sees no reason to suppose that the arrangement referred to will not work satisfactorily in connection with the transit rules. It is submitted that the Board's view may be concurred in, and the provision in question approved.

The introduction of the special provision referred to above accounts for the fact that the "scheduled" area is much larger, comparatively speaking, than in most of the districts for which transit rules have as yet been passed. All the Government taluks have been scheduled (*vide* schedule B) so as to allow a person to select any village head as the officer to whom he will hand up his permit within the prescribed time. It will also be observed that the Collector * considers it unnecessary at present to have any checking stations outside the scheduled areas. Provision has, however, been adopted (*vide* clauses 1 and 4 of draft rule 6 which correspond with clauses 1, 3 and 4 of the model rule) from the model rules to empower the Collector to fix such stations whenever the necessity to regulate the import of timber arises. As the Board states, there would seem to be no objection to this course.

* Paragraph 5 of his letter.

Paragraph 4 of the Board's Proceedings. The second clause of draft rule 6 does not occur in the model rules. The Board states that the Conservator has informed it that the clause in question has been inserted to provide against misunderstandings and that it sees no particular objection to its retention. It is, however, submitted that the meaning of the phrase "nor to use it more than once within its period of duration" is not apparent, at any rate not free from ambiguity. The clause under consideration does not occur in any of the sets of transit rules which have as yet been passed for use in particular districts of the Presidency. It is submitted that there seems to be no clear necessity for the clause but there seems to be no harm in it and under a system of collecting the permits it may perhaps be useful.

G.S.F.

The third clause of draft rule 6 is the same as the second clause of model rule 6 except that the words "in the case of permits for import or export, or transit completely through the district" which occur at the beginning of the former do not occur in the latter. This is apparently because the case of timber taken from one to another part of the scheduled area is separately provided for in the draft rule (clause 5).

Yes.

G.S.F.

3. In the last paragraph, rule 6 of the draft rules has been compared in detail with the corresponding model rule. The other rules, with the exception of rule 3, do not involve any departure of importance from the model rules.

(a) The *preamble* and rules 1, 2, 7, 8 and 9 have been reproduced from the model rules and do not call for any remarks except that in the heading of rule 1 the word "district" should be substituted for the word "Presidency."

N.E.M.

(b) With reference to rule 3, which is made very general by the inclusion of villages and towns within the scheduled area, the Board observes as follows:—

Paragraph 5 (c) of the Board's Proceedings. "It has not been explained how the timber removed into a town is to be checked outside it. The Collector states in paragraph 6 of his letter that provision having been made for the recovery of all permits by village officers there is no necessity for providing large towns with checking tannahs. The Board understands that it is intended to enter in the column of remarks in form No. I the village (adjoining the town) to the head of which the permit should be handed over. As regards private timber imported into

"towns the Collector promises in paragraph 5 of his letter to notify checking stations "later on." The Board has no objection to the retention of the rule. It is submitted that the rule may be allowed to stand.
G.S.F.

(c) *Rule 4.*—(i) The words "or in such forms as may be issued from time to time by the Board of Revenue for timber and firewood" which occur in lines 2 and 3 of this rule do not occur in the corresponding model rule. It is submitted that there seems no objection to the proposed addition.
G.S.F.

(ii) The concluding sentence of this rule, "In the case of timber imported by sea into the port of Masulipatam the bill of lading and manifesto received from the steamer or ship by the Port officer shall serve the purpose of a permit under this rule," does not find a place in the model rule and has been inserted to protect imports by sea. The Collector gives as an instance of such imports, "teak from Burma" (paragraph 7 of his letter); but it is submitted that the instance is not an appropriate one, inasmuch as timber imported from *Burma will rarely or never be timber grown in India*, and as such will be specially exempted by the preamble from the operation of the rules. It is perhaps unnecessary to call the Collector's attention to this point. Coming to the proposed addition itself, it is submitted that the clause is unobjectionable and will serve an useful purpose, and may therefore be allowed to stand.

Is not Burma India? N.E.M.
It forms part of British India by statute but not "India" proper. P.N.M.
I would add in the preamble "except timber not grown in India or Burma." G.S.F.
N.E.M.
G.S.F.

(d) *Rule 5.*—The words "except in the case of headloads of firewood" have been inserted in the first clause of *rule 5*. No explanation is furnished for this exception, which is apparently an unimportant one. There would seem to be no objection to the retention of the phrase referred to.
G.S.F.

(e) It is submitted that a rule may be added to the draft rules showing the date when they come into force, as has been done in the case of the Kurnool transit rules (*vide* rule 11 at page 6 of G.O., No. 695, dated 4th December 1896).
G.S.F.

P.E.
14-4-98.

P.N.M.
7-5-98.

To Secretary—

The important point for orders is whether Government will accept the principle of draft rule 6 (the collection of all permits). The case is fully stated in paragraph 3 of the Collector's letter and paragraph 3 of the Board's Proceedings, pages 2 and 3 of the current (Board's Proceedings, No. 90, dated 8th March 1898).
It is said to have worked well so far as tried, and may be approved.
G.S.F.

Yes.

J.G.

If this principle be accepted the rules may be approved—

(1) the mistake in the heading of rule 1, "Presidency" for "district" being pointed out, and
G.S.F.
J.G.

(2) a rule being added as to the date on which the draft rules are to come into force.
G.S.F.
J.G.
12-5-98.

N. E. MARJORIBANKS.
9-5-98.

To Honourable Member—

G. S. FORBES.
10-5-98.

J. G. [ROSE].
12-5-98.

To Under Secretary—

A draft Government order is submitted below. In it an alteration suggested by the Secretary in the preamble (*vide* page 4 of the foregoing note) but not expressly approved by the Honourable Member has been inserted.

P.N.M.
18-5-98.

To Secretary—

N.E.M.
21-5-98.

Issue.

G.S.F.
25-5-98.

Revenue (1898) Department.

CURRENT No. 2555

Order

From

*The Secretary to the
Commissioners of
Land Revenue
Board of Revenue*

No. 90

Dated 8 March 98

Received 30/2

Registered 31/2

Enclosures 2

Spare copies

SUBJECT.

*Subj. with remarks to Govt.
with reference to G.O. No. 102
3837, the Timber Transit Rule
24-7-97 for the Kistna Dist.*

G O.	No.	Department.	Date.
<i>His</i>	<i>2007</i>	<i>Gen.</i>	<i>24-7-71</i>

G.O.	No.	Department.	Date.

vide R P No for $\frac{68722}{17.12.95}$
 Preamble

Under Sections 35 and 36 of the Madras Forest Act
(II of 1882) His Excellency the Governor in Council is
pleased to make the following rules:—

In these rules timber includes all classes of timber as defined in the Madras Forest Act (I of 1882) except timber not grown in India; timber cut or fashioned otherwise than is usually or permitted to be done before timber is removed from the forest in which it has been felled; and small wood for fuel in quantities less than one head load.

• Import and Export of timber, from and to localities outside the Presidency

1. It shall not be lawful to import timber ^{into} or export ^{the} timber from the ^{District} ~~specified~~ ^{in Schedule A appended} ~~to these rules~~ except by the Frontier Officer, ⁱⁿ ~~in~~ ^{prescribed} ~~in~~ and unless accompanied by a permit as specified in rule 4.

(1) It shall not be lawful to import timber into or export timber from the District except by the control of the

Transit of timber within specified areas.

2. It shall not be lawful to import timber into, export timber from, or move timber within the areas specified in Schedule B appended without a permit as specified in rule 4.

(A-WP)

And lost of time into Souvenir.

and not be liable to removal for
for trade purposes or removal within selected

unless accompanied by a permit as specified in rule 4; and without reporting it to the station mentioned in the permit.

Form of permits

4. In the case of timber from Government land the permit shall be a printed one in form I appended; or in such forms as may be issued from time to time by the Board of Revenue for timber and firewood; in the case of timber from private lands expressly notified by the collector ^{from time to time in the District Gazette}, the permit shall be a printed one in form II appended and supplied by the District Forest Officer free of charge; and in the case of timber from all other private lands and from foreign territory, permit may be printed or written and shall also be in form II. In the case of timber imported by sea into the Port of Masulipatam the Bill of Lading and manifests received from the Steamer or ship by the Port Officer shall serve the purpose of a permit under this rule.

Issue of permits

5. Permits in form I shall be issued in triplicate except in the case of headloads of firewood and shall have all the ^{columns} filled up by a duly authorized officer who shall sign and date each part, hand over the original to the purchaser, send the duplicate to the officer in charge of the forest referred

* Private lands to be notified by the Collector

(1) All private lands outside the District

(2) Zamindari

Nuzvid, Mailaram,
Chilamchet, Kumbapala,
Linnarini, Valtur, Tallapala

(3) Taluk

Malavaram, Appacharam,
Middanampudi, Appacharam,
Lingarukia, Appacharam,
Muttigalam, Appacharam,
Dhanuram, Appacharam

(4) Vinukonda Taluk

Appacharam, Appacharam,
Chilamchet, Appacharam,
Linnarini, Appacharam,
Muttigalam, Appacharam,
Dhanuram, Appacharam,
Middanampudi, Appacharam,
Lingarukia, Appacharam,
Malavaram, Appacharam,
Middanampudi, Appacharam

(5) Sattenahalli Taluk

Kattam, Appacharam, Madan,
Appacharam, Chilamchet, Appacharam,
Linnarini, Appacharam, Appacharam,
Muttigalam, Appacharam, Appacharam,
Dhanuram, Appacharam

(6) Nuvvachet Taluk

Chilamchet, Appacharam, Appacharam,
Appacharam, Kommit, Appacharam,
Linnarini, Appacharam, Appacharam,
Muttigalam, Appacharam, Appacharam,
Dhanuram, Appacharam, Appacharam,
Middanampudi, Appacharam, Appacharam

(7) Bogavada Taluk

Kannipet, Appacharam, Appacharam,
(Isolated parts of Mailaram)

(8) Rangajama Taluk

Jayantipuram Zamindari,
Siddharatham Zamindari,
Siddharatham Zamindari,

Permits in form II (whether printed or written shall be in duplicate and shall have the columns filled up by the owner or his authorized agent; original shall be handed over to the person authorized to move the timber and the duplicate shall be kept in a counterfoil for at least six months from the date of issue and shall be produced for inspection at any time within that period on the application of any Forest Officer not under the rank of Forest Officer.

When a permit

6. The permits referred to in the preceding rule shall, in the case of imported timber and timber for export, be produced with the timber, for examination at any station which may be notified from time to time by the collector in the District Gazette as a checking station and place which the timber may be taken; and in the case of timber in transit, permit shall be produced anywhere within the limits of the scheduled areas when demanded by any Revenue, Forest or Police Officer or at any of the checking stations notified by the collector outside the scheduled areas provided that it shall not be lawful to take any timber off, or to pass from, any road or river, on which a checking station has been placed with the intention to evade the provisions of the Act.

than that entered in the permit; and if it is less, the same permit must not be used again to cover the deficiency.

It shall not be lawful to use a permit of any description after the date of expiry has elapsed, nor to use it more than once within its period of duration, without the permission in writing of the District Forest Officer.

In the case of permits for import or export, or transit completely through the District as soon as the timber has been checked with the permit and found to be correct, the permit shall be endorsed under the signature of the officer checking it with the words "checked and passed" and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected tracks. Whenever possible, the timber may also be marked with a brass hammer-mark.

The checking stations for timber in transit shall not be more than five miles distant from the outer limits of the scheduled areas, except in cases in which it is considered necessary to guard against smuggling from unreserved lands into towns, or in places which afford special facilities for the regulation of traffic, such as the meeting of roads and water communication. In these cases

No demand shall be made for the production of a permit outside the scheduled areas, except at the checking stations.

In case of timber taken from one to another, or of the scheduled areas, the permit shall be given to the checking officer of the village entered on the permit within the date of expiry; or if the permit is lost that fact must be communicated to the checking officer before the date of expiry, and the checking officer will report the fact to the District Forest Officer for cancellation, to prevent its being used again.

The permit holder is at liberty to have his timber checked, and permit collected at any village in the scheduled areas, and may have the name of that village inserted on the permit; but after he has once taken his permit, the name of the village of the checking office must not be altered without the consent of the District Forest Officer.

The checking officer will ordinarily be the Village Incharge; but the Collector may, by notification in the District Gazette appoint any other person to perform the duties of checking officer.

Use of other marks.

Registration of hammer-marks.

7. The ownership of timber imported or exported for trade purposes or removed within protected

the District Forest Office, provided that the District
Forest Officer may refuse registration and may
cancel the registration of any property-mark
if he considers that such property-mark cannot
readily be distinguished from a Government
mark or from a property-mark used by another
person or for other good and sufficient reason
which shall in every case be placed upon
record by the District Forest Officer and submitted
for the approval of the Collector. A certificate
of registration in form the Appendix shall be
granted by the District Forest Officer to the
person registering.

Date at which registration
of property-mark has effect

8. Registration and each renewal of registration
shall hold good from the date thereof until the
1st April following the date of registration.

9. Any person who moves, exports or imports
timber in contravention of Rules 1, 2 or 3; refuses
to deliver up a pass when demanded or to
subject timber for examination in accordance
with the provisions of Rule 6; or, being a holder
of land within any area described in Schedule
B, refuses to give or cause to be given a pass to

not containing the prescribed particulars or one
in the form prescribed, or refuses to produce for
inspection on the application of a Forest Officer
not below the rank of a Forester the duplicate
of a pass issued in accordance with Rule 5;
or neglects, in contravention of Rule 7, to register
at the District Forest Office any property-mark
that he may have adopted shall be liable
to imprisonment for a term which may extend
to one month or to fine which may extend
to Rs 200 or both.

In witness whereof
for a Collector.

Appendix

Schedule A

~~At + 1~~ At + 1 At + 1

- Routes -
1. Vizian State Railway
 2. East Coast Railway
 3. Local Fund Road. Munapala - Begwada via
Gurikipad, Sher Mahammed-pet, Gavaravaram
Nandiguma, Kanchahachela, Ketanakonda,
Ibrahimpatnam.
 4. L. F. Road - Timour - Ibrahimpatnam via Gasullakal
Mailavaram, Kondapalli.
 5. Local Fund Road - Ellore - Bezuvu - via Ibrahim
Gannavaram
 6. Local Fund Road - Pondugal (alias Hyppari) via
Pidupurulla
- duplicate copy

Salmas Taluk - Vinukonda Taluk,
 Varsarajpet Taluk - Bapatla Taluk,
 Tenali Taluk - Guntur Taluk,
 Sattenapalli Taluk - Sundigama Taluk,
 Bezuvada Taluk - Gubinda Taluk,
 Bander Taluk -

In Kucanasani
 for all Collectors.

Draft of Timber Transit Rules as amended
 by Government.

Proposed at 12

Under Sections 35 and 36 of
 the Madras Forest Act (Act
 1882) His Excellency the Governor,
 in Council is pleased to
 the following rules:

1. These rules shall apply to
 2. Timber as defined in the Madras Forest Act (V of 1882), except timber
 3. Not grown in India; timber
 4. Cut up or fashioned otherwise
 5. Than is usually or permissibly
 6. Done before timber is removed
 7. From the Forest in which it has
 8. Been felled; and small wood
 9. For fuel in quantities less than
 10. One head load.

1. It shall not be lawful to
 import timber into, or export
 timber from, the district specified
 in Schedule A appended
 to these rules except by the
 routes therein prescribed
 and unless (when
 in duplicate copy strictly

accompanied by a permit
specified in rule 4

It shall not be law-
ful to import timber into
port timber from, or move
timber within the areas spe-
cified in the Schedule B

Appendix, without a permit
specified in rule 4

3. It shall not be lawful
to move timber into any of
the towns specified in Sched-
ule C unless accompanied
by a permit as specified
in rule 4 and without re-
porting it for examination
at one of the checking sta-
tions specified in Schedule D
and adjoining the town in
question.

4. In the case of timber
from Government land the
it shall be a printed or
written in the

Import of timber into Towns &
villages.

(1) all...

(2) all...

3. all:

In the case of...

4. all:

...

(1) all...

(2) all...

...

...

(1) all...

...

(5) all...

(6) all...

...

...

the Collector from time to
time in the District Gazette,
the permit shall be a printed
one in form II appended
and supplied by the District
Forest Officer free of charge,
and in the case of timber
from all other private lands
and from foreign territory,
the permit may be printed
or written and shall also be
in form II.

5. Permits in form I shall be
issued in triplicate and
shall have all the columns
filled up by a duly autho-
rized officer who shall sign
and date each part, hand
over the original to the pur-
chaser, send the duplicate
to the officer in charge of the
forest referred to therein,
and keep the triplicate
attached to the book as a
counterfoil for record in his
office.

Permits in form II (when
printed or written) shall be
in duplicate and strictly

have the columns filled up by the owner or his authorized agent. The originals shall be handed over to the person authorized to move the timber and the duplicate shall be kept as a counterfoil for at least six months from the date of issue and shall be produced for inspection at any time within that period on the application of any forest officer not under the rank of forester.

6. The Permits referred to in the preceding rules shall in the case of imported timber and timber for export, be produced with the timber for examination at any station which may be notified from time to time by the Collector in the District Gazette as a checking station and pass which the timber may be taken; and in the case of timber in transit, the permit

produced anywhere within the limits of the scheduled areas when demanded by any Revenue, Forest or Police officer or at any of the checking stations notified by the Collector outside the scheduled areas past which the timber is taken, provided that it shall not be lawful to take any timber off or to pass from any road or river on which a checking station has been placed, with intention to evade the production of the timber at a checking station. The quantity of timber in transit must not be greater than that entered in the permit; and if it is less, the same permit must not be used again to cover the deficiency.

As soon as the timber has been checked with the permit and found to be correct the permit shall be endorsed under the signature of the officer checking it with strict

the words 'checked and passed' and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected ~~tracts~~ tracts. Whenever possible, the timber may also be marked with a pass-hammer-mark.

The checking stations for timber in transit shall not be more than five miles distant from the outer limits of the scheduled areas, except in cases in which it is considered necessary to guard against smuggling from unreserved lands into towns or in places which afford special facilities for the regulation of traffic, such as the meetings of road and water communication. In these exceptional cases the sanction of the Board must be obtained before the checking station is notified.

No demand shall be made for the production of a permit outside the scheduled areas except at the checking stations.

7 The ownership of timber imported or exported for trade purposes or removed within protected areas may be indicated by a property mark. All such property marks shall be registered at the District Forest Office provided that the District Forest Officer may refuse registration and may cancel the registration of any property mark if he considers that such property marks cannot easily be distinguished from a Government mark or from a property mark used by another person or for other good and sufficient reason which shall in every case be placed upon record by the District

Forest Officer and submitted
for the approval of the
Collector. A certificate
of registration in form III
appended shall be gran-
ted by the District Forest
Officer to the person regis-
tering.

8 Registration and each
renewal of registration shall
hold good from the date
thereof until the 1st April
following the date of
registration.

9 Any person who moves,
exports or imports timber
in contravention of Rules
1, 2, or 3; refuses to deli-
ver up a pass when de-
manded or to subject
timber for examination in
accordance with the provisions
of Rule 6; or being a holder
of land within any area
described in Schedule B,
refuses to give or cause
to

Shirley

be given a pass to cones,
timber grown on his land
and exported from such
area, or gives or causes to
be given a pass not con-
taining the prescribed par-
ticulars or one not in
the form prescribed or
refuses to produce for in-
spection on the application
of a Forest Officer not be-
low the rank of a Forester
the duplicate of a pass -
issued in accordance with
Rule 5; or neglects in contra-
vention of Rule 7 to register
at the District Forest Office
any property mark that he
may have adopted shall
be liable to imprisonment
for a term which may
extend to one month or
to fine which may extend
to Rs 200 or both.

Sub Collector
for a collector

Staple
Lb.
28 1/2 98
RE

Board of Revenue

MADRAS.

Proceedings, Forest No. 90, 8th March 1898.

N submitting, with remarks, to Government with reference to Government Order, Mis. 3837, dated 24th July 1897, the Timber Transit Rules for the Kistna district.

Rs 9000
87258
to your ad

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—again Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 766, dated 3rd August 1897:—

ABSTRACT.—Communicating to the Collector of Kistna, for early report, which should be submitted through the Conservator of Forests, Northern Circle, Government Order returning to the Collector of Kistna through the Board for re-consideration and revision, if necessary, his draft rules to regulate the transport of timber in the district.

READ—the following letter from R. MORRIS, Esq., Acting Collector of Kistna, to the Secretary to the Commissioners of Land Revenue (through the Conservator of Forests, Northern Circle), dated Masulipatam, 29th October 1897, Dis. No. 1080-Forest:—

With reference to Government Order, Mis. No. 3837, dated 24th July 1897, embodied in Board's Proceedings, Forest Mis. No. 766, dated 3rd August 1897, I have the honour to forward herewith a revised set of rules under sections 35 and 36 of the Forest Act for the control of export, import and transit of timber from, to or in the district.

2. I have adhered as far as possible to the sample rules sanctioned by the Government.

3. It will be noticed that in Board's Proceedings, dated 16th May 1894, Forest No. 314, Mr. Peet strongly advocated the collection of all permits after use. The Conservators of the other circles declared that although this was an object much to be desired, it seemed impracticable. In May 1894, Mr. Lushington suggested to the Acting Collector Mr. Rawson that the collection might be made feasible if village officers were made the collecting officers, instead of issuing officers, of forest permits. He suggested that any village head might collect the permits and might utilise the services of any other village officer to help him; that every month a check statement should be sent by the Range officer through the Tahsildar to each village head showing what permits ought to have been collected in his village, and giving him five days in which to complete the collection. As there are upwards of 1,500 villages in the district and on the average about six village offices this arrangement creates 9,000 tannahdars or collecting officers, in the place of 37 ordinary tannahdars as there were before, and affords the greatest possible facility to permit-holders to give up their permits in the proper time. Mr. Rawson expressed his entire approval of the scheme, but ordered it to lie over for the decision of Mr. Atkinson, the permanent Collector then on leave. Mr. Atkinson likewise expressed his entire approval; and a Collector's order to this effect was promulgated under the rules under section 26 of the Forest Act. This arrangement has therefore been in force now for three and quarter years, and has worked with considerable success; and has therefore been inserted at the end of rule 6 of the Timber Transit Rules now proposed. Between 95 and 96 per cent. of the permits are now collected, and of the balance the greater portion have been reported as lost, and therefore cancelled, within the date of expiry, in accordance with the provision now made. Hardly quarter per cent. of the permits were neither given up nor duly reported as lost and cancelled; and in the circumstances it may be said that the collection of permits after use is quite feasible.

4. The introduction of this regulation into the rules is the principal departure from the sample rules. The area under "Scheduled districts" is therefore larger than in most districts, and comprises the whole of the Government taluks, so as to make any person to select any village head as the officer to whom he will hand up his permit within the prescribed time. Rule 6 also has been modified to meet the requirements of this regulation.

5. At present it is considered unnecessary to have checking stations elsewhere in the district; but it may be found later that such stations are necessary to regulate the import of timber; and the sample rules have been adopted to meet that contingency.

6. The regulation referred to in paragraph 3 obviates the necessity of specifying certain large towns with checking tannahs.

7. It has been deemed advisable to modify the rule relating to the form of Government permits. The ordinary timber or firewood permits will generally meet all requirements without having another special form. When timber taken from the forest has already once been checked, it can be considered as private timber, and can be passed on the private pass (Form II). To prevent undue interference with timber imported by sea (e.g., teak from Burma) to Masulipatam, it has been deemed advisable to allow the bill of lading or ship's manifesto, checked by the Port Officer, to hold good.

Endorsement by A. W. PEET, Esq., Conservator of Forests, Northern Circle, dated Camp, Bangalore, 28th December 1897, Ref. on C. No. 856.

In forwarding I have the honour to remark that I returned the draft sent originally with this letter because it was not very clear. This original draft with its marginal notes is enclosed for information, and a formal draft is sent for orders. It seems to me that this provides for what is wanted in the Kistna district, where village officers and not tannahdars recover permits.

RESOLUTION—Forest No. 90, dated 8th March 1898.

Submitted to Government with reference to Government Order, Mis. No. 3837, dated 24th July 1897.

2. In the above order the Government observed that the rules under sections 35 and 36 of the Forest Act for the Kistna district, submitted with Board's Proceedings, Forest Mis. No. 610, dated 25th June 1897, involved a total departure from the model transit rules sanctioned in Government Order, No. 707, dated 29th October 1895, and desired that a full report in justification of such deviation should be submitted and the rules revised, if necessary. The Collector has now drawn up a set of draft rules revised with reference to the remarks of Government, but the Conservator has again recast them following the model rules as far as local circumstances admit. The Board proceeds to consider the Conservator's draft.

3. The main difference between the proposed rules and the model rules consists in the fact that in the former provision is made in rule 6 for the recovery of all permits by village officers. It is true that, as pointed out by the Collector, the other two Conservators considered this to be impracticable, but in the peculiar circumstances of the Kistna district where a large staff is maintained as issuing officers in connection with the *parcellaire* system of grazing, and where the village officers are utilized as collecting officers, the difficulty anticipated by the other Conservators is not likely to occur. As a matter of fact the arrangement in question has been in force in the district for upwards of three years in connection with the rules under section 26 of the Forest Act and is said to have proved successful; and there is no reason to suppose that it will not work satisfactorily in connection with the transit rules.

4. It is observed that the Collector considers it unnecessary at present to have checking stations outside the scheduled areas. Provision has, however, been made in the rules empowering the Collector to fix such stations when the necessity to regulate the import of timber arises. There seems to be no objection to this course.

5. The Conservator's proposed rules are open to the following remarks:—

(a) In the preamble to the rules the Conservator has omitted to provide for the exemption of timber removed under the concession granted in rule 7 of the general rules under section 26 of the Forest Act. The omission has been supplied by the Board.

(b) It is understood that Conservator's rule 1 has been incorrectly copied. It should run thus:—"It shall not be lawful to import timber into or export timber from the Kistna district, except by the routes specified in schedule A appended to these rules and unless accompanied by a permit as specified in rule 4."

(c) Conservator's rule 3 is made very general by the inclusion of villages and towns in the scheduled area. It has not been explained how the timber removed into a town is to be checked outside it. The Collector states in paragraph 6 of his letter that provision having been made for the recovery of all permits by village officers there is no necessity for providing large towns with checking tannahs. The Board understands that it is intended to enter in the column of remarks in Form No. I the village (adjoining the town) to the head of which the permit should be handed over. As regards private timber imported into towns the Collector promises in paragraph 5 of his letter to notify checking stations later on. The Board has no objection to the retention of the rule as proposed by the Conservator.

(d) The concluding sentence of rule 4 does not find place in the model rules and has been inserted to protect imports by the sea. The forms referred to in this rule have not been submitted by the Conservator. They have been added in the Board's office.

(e) In rule 6 the first sub-clause (viz.) "It shall not be lawful to use . . . writing of the District Forest-officer" has been newly added by the Conservator. There is no particular objection to the sub-clause in question and the Conservator has informed the Board that it has been inserted to provide against misunderstandings. For the same reason the Board considers that the sub-clauses 4, 5 and 6 may be retained.

(f) The word "removed" in line 2 of rule 7 should be altered into "moved" to correspond with the word used in the model rules and in section 35 of the Forest Act. Form III for the certificate of registration referred to in this rule was not forwarded by the Conservator and the omission has been supplied by the Board.

6. A final draft of the rules revised with reference to the foregoing remarks together with schedules and forms is appended to these Proceedings. The Board requests that the rules may be published in the *Fort St. George Gazette*.

7. It is observed that the list of private lands given in the margin of the Conservator's rule 4 and the note at the foot of his schedule A are obviously not intended to be printed with the rules and the schedules. The Board has accordingly omitted them in the draft as revised by it.

(True Copy and Extract.)

Ree
Secretary.

To the Secretary to Government, Revenue Department,
with Collector's and Conservator's draft rules in original.

APPENDIX.

DRAFT OF PROPOSED TIMBER TRANSIT RULES, KISTNA DISTRICT.

Preamble.

Under sections 35 and 36 of the Madras Forest Act (V of 1882), His Excellency the Governor in Council is pleased to make the following rules.

In these rules timber includes all classes of timber as defined in the Madras Forest Act (V of 1882), except timber not grown in India; timber cut up or fashioned otherwise than is usually or permissibly done before timber is removed from the forest in which it has been felled; timber removed under the concession granted in rule 7 of the general rules under section 26 of the Forest Act, and small wood for fuel in quantities less than one head-load:—

1. *Import and export of timber from and to localities outside the Presidency.*—It shall not be lawful to import timber into or export timber from the Kistna district except by the routes specified in schedule A appended to these rules and unless accompanied by a permit as specified in rule 4.

2. *Transit of timber within specified areas.*—It shall not be lawful to import timber into, export timber from or move timber within, the areas specified in schedule B appended without a permit as specified in rule 4.

3. *Import of timber into towns and villages.*—It shall not be lawful to move timber into any of the towns or villages within the area specified in schedule B unless accompanied by a permit as specified in rule 4; and without reporting it to the station mentioned in the permit.

4. *Forms of Permits.*—In the case of timber from Government land the permit shall be a printed one in form I appended; or in such forms as may be issued from time to time by the Board of Revenue for timber and firewood; in the case of timber from private lands expressly notified by the Collector from time to time in the District Gazette, the permit shall be a printed one in form II appended and supplied by the District Forest-officer free of charge; and in the case of timber from all other private lands and from foreign territory, the permit may be printed or written and shall also be in form II. In the case of timber imported by sea into the port of Masulipatam the Bill of Lading and Manifesto received from the steamer or ship by the Port officer shall serve the purpose of a permit under this rule.

5. *Issue of Permits.*—Permits in form I shall be issued in triplicate except in the case of head-loads of firewood and shall have all the columns filled up by a duly authorized officer who shall sign and date each part, hand over the original to the purchaser, send the duplicate to the officer in charge of the Forest referred to therein, and keep the triplicate attached to the book as a counterfoil for record in his office.

Permits in form II (whether printed or written) shall be in duplicate and shall have the columns filled up by the owner or his authorized agent; the original shall be handed over to the person authorized to move the timber and the duplicate shall be kept as a counterfoil for at least six months from the date of issue and shall be produced for inspection at any time within that period on the application of any Forest officer not under the rank of Forester.

6. *Check of Permits.*—The permits referred to in the preceding rules shall, in the case of imported timber and timber for export, be produced with the timber for examination at any station which may be notified from time to time by the Collector in the District Gazette as a checking station and past which the timber may be taken; and in the case of timber in transit, the permit shall be produced anywhere within the limits of the scheduled areas when demanded by any Revenue, Forest or Police officer or at any of the checking stations notified by the Collector outside the scheduled areas past which the timber is taken, provided that it shall not be lawful to take any timber off, or to pass from, any road or river on which a checking station has been placed with intention to evade the production of the timber at a checking station. The quantity of timber under transit must not be greater than that entered in the permit; and if it is less, the same permit must not be used again to cover the deficiency.

It shall not be lawful to use a permit of any description after the date of expiry has elapsed nor to use it more than once within its period of duration, without the permission in writing of the District Forest-officer.

In the case of permits for import or export, or transit completely through the district, as soon as the timber has been checked with the permit and found to be correct, the permit shall be endorsed under the signature of the officer checking it with the words "checked and passed" and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected tracts. Whenever possible, the timber may also be marked with a pass hammer-mark.

The checking stations for timber in transit shall not be more than five miles distant from the outer limits of the scheduled areas, except in cases in which it is considered necessary to guard against smuggling from unreserved lands into towns, or in places which afford special facilities for the regulation of traffic, such as the meetings of road and water communication. In these exceptional cases the sanction of the Board must be obtained before the checking station is notified. No demand shall be made for the production of a permit outside the scheduled areas, except at the checking stations.

In the case of timber taken from one to another part of the scheduled areas, the permit shall be given up to the checking officer of the village entered on the permit within the date of expiry; or if the permit is lost that fact must be communicated to the checking officer before the date of expiry; and the checking officer will report the fact to the District Forest-officer for cancellation, to prevent its being used again.

The permit-holder is at liberty to have his timber checked, and permit collected at any village in the scheduled areas, and may have the name of that village inserted on the permit; but, after he has once taken his permit, the name of the village of the checking officer must not be altered without the consent of the District Forest-officer.

The checking officer will ordinarily be the head of the village, but the Collector may, by notification in the District Gazette, appoint any other person to perform the duties of checking officer.

7. *Use of property-marks* — *Registration of property-marks.*—The ownership of timber imported or exported for trade purposes or moved within protected areas may be indicated by a property-mark. All such property-marks shall be registered at the District Forest office, provided that the District Forest-officer may refuse registration and may cancel the registration of any property-mark if he considers that such property-marks cannot easily be distinguished from a Government mark or from a property-mark used by another person or for other good and sufficient reason which shall in every case be placed upon record by the District Forest-officer and submitted for the approval of the Collector. A certificate of registration in form III appended shall be granted by the District Forest-officer to the person registering.

8. *Date up to which the registration of property-marks has effect.*—Registration and each renewal of registration shall hold good from the date thereof until the 1st April following the date of registration.

9. Any person who moves, exports or imports timber in contravention of Rules 1, 2 or 3, refuses to deliver up a pass when demanded or to subject timber for examination in accordance with the provisions of rule 6; or, being a holder of land within any area described in schedule B, refuses to give or cause to be given a pass to cover timber grown on his land and exported from such area, or gives or causes to be given a pass not containing the prescribed particulars or one not in the form prescribed, or refuses to produce for inspection on the application of a Forest officer not below the rank of a forester, the duplicate of a pass issued in accordance with Rule 5; or neglects, in contravention of Rule 7, to register at the District Forest office any property-mark that he may have adopted shall be liable to imprisonment for a term which may extend to one month or to fine which may extend to Rs. 200 or both."

APPENDICES.

Schedule A.

Routes—

1. Nizam's State Railway.
2. East Coast Railway.
3. Local Fund road—Munagala-Bezwada *viâ* Garikipad, Sher Mahammedpet, Gavara-
varam, Nandigâma, Kanchakacherla, Ketanakonda, Ibrampatam.
4. Local Fund road—Tiruvur-Ibrampatam *viâ* Dasullapalem, Mailavaram and Konda-
palli.
5. Local Fund road—Ellore-Bezwada *viâ* Viravalli and Gannavaram.
6. Local Fund road—Pondugal (*alias* Ayyagaripalem), Piduguralla *viâ* Dâchépalle.

Schedule B.

Palnad taluk, Vinukonda taluk, Narsaraopet taluk, Bapatla taluk, Tenali taluk, Guntur taluk, Sattenapalle taluk, Nandigama taluk, Bezvada taluk, Gudivada taluk and Bandur taluk.

These rules shall come into force on the expiry of 30 days from the date of their publication in the District Gazette

[illegible]

**COUNTERFOIL TO BE RETAINED
BY THE ISSUING OFFICER.**

FORM I.

Permit No. .

Under Section 35 of the Madras Forest Act.

1. Name and residence of the person to whom the permit is granted.
2. Quantity.
3. Description of timber.
4. Fees paid, if any.
5. Marks, if any, on the timber.
6. From what forest or depôt removed.
7. To what place removed.
8. Route.
9. Time allowed.
10. Remarks.

Date

Camp

Signature of issuing officer.
Designation.

DUPLICATE.

FORM I.

Permit No. .

Under Section 35 of the Madras Forest Act.

1. Name and residence of the person to whom the permit is granted.
2. Quantity.
3. Description of timber.
4. Fees paid, if any.
5. Marks, if any, on the timber.
6. From what forest or depôt removed.
7. To what place removed.
8. Route.
9. Time allowed.
10. Remarks.

Date

Camp

Signature of issuing officer.
Designation.

Form II.
Permit No.

Under section 35 of the Madras Forest Act.

1. Name and residence of the person to whom the permit is granted.
2. Quantity.
3. Description of timber.
4. Marks, if any, on the timber.
5. From what forest or land removed.
6. To what place removed.
7. Route.
8. Time allowed.
9. Remarks.

Date	Station
------	---------

Note.—The time to be entered in column 8 shall not exceed two months except with the special permission of the District Forest-officer or other authorized officer.

Note.—The time to be entered in column 8 shall not exceed two months, except with the special permission of the District Forest-officer or other authorized officer.

FORM III.
Certificate of Registration.

Under rule 7 of the rules under section 35 of the Madras Forest Act.

1. Name of person registering.
2. Description of device or property-mark.
3. Date of registration or renewal.
4. Remarks.

CERTIFIED that

, residing at

(registered) | At least one or more marks for the official year ending 31st March 189

CERTIFIED that

, residing at:

has { registered } the above device or property-mark for the official year ending 31st March 189 .

District Forest office, }
189 . }

District Forest-officer.

District Forest office, }
189

District Forest-officer.

FORM III.

Certificate of Registration.

Under rule 7 of the rules under section 35 of the Madras Forest Act.

Name of person registering.	Description of device or property-mark.	Date of registration or renewal.	Remarks.
1	2	3	4

(Note submitted with 209/30/10/95 to the Board of Revenue)
[Subject - Timber Transit Rules]

Read again Ex. 3837 Min.
d. 24-7-97.

Read also B.P. No: 90 Forest
d. 8-3-98. [C. No. 2555/98]

Note.

With its Proceedings No: 610
Forest d. the 25th June 1897
the Board of Revenue
submitted for the approval
of Govt. rules under sections
35 and 36 of the Forest
Act (Madras) for the pur-
pose of regulating the
transit of timber in the
Kistna district. In the
order read again above
the Govt. observed that
the rules submitted by
the Board involved a total
departure from the model
transit rules approved in
Ex. No. 707 d 29-10-95,
and desired that a full
report in justification
of such deviation should
be submitted.

A 25p

Rule 6 of the Draft

Rules at pp. 5 & 6 of the current.

Rule 6 of the Model

Rules in G.O. 707 29.10.95

(Clause i) - The permits referred to in the preceding rules shall, in the case of imported timber and timber for export, be produced with the timber for examination at any station which may be notified from time to time by the Collector in the District Gazette as a checking station and past which the timber may be taken; and in the case of timber in transit the permit shall be produced anywhere within the limits of the scheduled areas when demanded by any Revenue, Forest or Police officer or at any of the checking stations notified by the Collector outside the scheduled areas past which the timber is taken, provided that it shall not be lawful to take any timber off or to pass from any road or river on which a checking station has been placed with intention to evade the production of the timber at a checking station. The quantity of timber under transit must not be greater than that entered in the permit; and if it is less, the same permit must not be used again to cover the deficiency.

(Clause ii) - It shall not be lawful to use a permit of any description after the date of expiry has elapsed nor to use it more than once within its period of duration, without the permission in writing of the district forest officer.

(Clause iii) - In the case of permits for import or export, or transit completely through the district, as soon as the timber has been checked with the permit and found to be correct, the permit shall be endorsed under the signature of the officer checking it with the words "checked and passed" and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected tracts. Whenever possible, the timber may also be marked with a pass hammer-mark.

(Clause iv) - The checking stations for timber in transit shall not be more than five miles distant from the outer limits of the scheduled areas, except in cases in which it is considered necessary to guard against smuggling from unreserved lands to towns, or in places which afford special facilities for the regulation of traffic, such as the railway stations.

(Clause i) - Same as in the draft rules.

(Clause ii) - As soon as the timber has been checked with the permit and found to be correct, the permit shall be endorsed under the signature of the officer checking it, with the words "checked and passed", and the endorsement shall be dated, and the permit be handed over to the person producing it to cover the timber during further transit through protected tracts. Whenever possible, the timber may also be marked with a pass hammer-mark.

(Clause iii) - Same as Clause iv of the Draft Rules, Enclosed in its last sentence.

of the draft rules

Here enter A

be revised if necessary. With reference to the above remarks of Govt. the Board now submits a revised set of draft rules (printed as an appendix to the current) and requests that they may receive the sanction of Govt.
2. As remarked by both the Collector of the Krishna and the Board, the principal difference between the draft rules now submitted and the model rules occurs in rule 6 regarding the check of permits. The draft rule and the model rule are shown side by side for facility of comparison on the sheet marked A ^{attached} ~~as appended~~ to the present draft. On comparing the draft

no 2/9, 201

Rule 6 of the draft
Rules

Rule 6 of the
model rule.

permit outside the scheduled areas except at the checking stations.

(Clause v) - In the case of timber taken from one to another part of the scheduled areas the permit shall be given up to the checking officer of the village entered on the permit, within the date of expiry; or if the permit is lost that fact must be communicated to the checking officer before the date of expiry; and the checking officer will report the fact to the District Forest Officer for cancellation to prevent its being used again.

(Clause vi) - The permit-holder is at liberty to have his timber checked and permit collected at any village in the scheduled areas, and may have the name of that village inserted on the permit; but, after he has once taken his permit the name of the village of the checking officer must not be altered without the consent of the District Forest Officer.

(Clause vii) - The checking officer will ordinarily be the head of the village, but the Collector may, by notification in the District Gazette, appoint any other person to perform the duties of checking officer.

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that the difference between them consists mainly in the fact that in the ^{draft rule} ~~former~~ provision is made for the recovery of all permits ~~after use~~ by village officers. With reference to this special provision, it is stated that in 1894 the Conservator of Forests, Northern Circle, strongly advocated the collection of permits after use, but that the Conservators of the two other circles, while admitting that it was an object much to be desired, considered it impracticable. In the peculiar circumstances, however, of the Kistna district where a large staff was maintained as visiting officers in

it is
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s into
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its association with the

all minor concerns

2/4/1901

20.2.1901

of permits by village officers was thought feasible, and as a matter of fact it would seem that the village officers have been utilised as collecting officers for upwards of three years in connection with the rules under section 26 of the Forest Act. The arrangement in question is reported to have proved ~~successful~~ ^{unsuccessful}, and the collector ~~recommends~~ ^{proposes} that the same arrangement may be continued in connection with the transit rules, and has accordingly provided in rule 6 for the check and recovery of permits by village officers (clause 5, b. 27). The Board since is reluctant to suppose that the arrangement ~~elsewhere~~ ^{elsewhere} will not work

with the transit rules. It is submitted that at the Board's view may be concurred in, and the provision in question approved.

The introduction of the special provision referred to above accounts for the fact that the "Scheduled" area is much larger, comparatively speaking, than in most of the districts for which transit rules have as yet been passed. All the Govt. talukas have been scheduled (Vide Schedule B) so as to allow a person to select any village head as the officer to whom he will hand up his permit within the prescribed time. It will also be observed that the collector considers it unnecessary at present to have any checking station on the district.

2/4/20

and and

however, been adopted (vide clauses 1 and 4 of draft rule b which correspond with clauses 1, 3 and 4 of the model rule) from the model rules to empower the collector to fix such stations whenever the necessity to regulate the import of timber arises. As the Board states, there would seem to be no objection to this course.

The second clause of draft rule b does not occur in the model rules. The Board states that the collector has informed it that the clause in question has been inserted to provide against misunderstandings and that it sees no particular objection to its retention. It is, however, submitted that the meaning of the clause is not clear and that it may not work.

But there seems to be no harm in it and under a system of collecting the permits it may perhaps be useful.

"within its period of duration" is not apparent, at any rate, not free from ambiguity. The clause under consideration does not occur in any of the sets of transit rules which have as yet been passed for use in particular districts of the Presidency. It is submitted that there seems to be no clear necessity for the clause, and that it may accordingly be omitted.

The third clause of draft rule b is the same as the second clause of model rule b except that the words "in the case of" "permits for import or export, or ^{transit} completely through" "the district" which occur at the beginning of the former do not occur in the latter. The clause is

no 2/19, 1901

of timber taken from one to another part of the scheduled area is separately provided for in the draft rule (clause 5).

3. In the last paragraph rule 6 of the draft rules has been compared in detail with the corresponding model rule. The other rules, with the exception of rule 3, do not involve any departure of importance from the model rules.

(a) The preamble and rules 1, 2, 7, 8 and 9 have been reproduced from the model rules and do not call for any remarks except that in the heading of rule 1 the word "district" should be substituted for the word "Presidency".

(b) With reference to rule 3, which is made very general

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scheduled area, the Board observes as follows:—"It has not been explained how the timber removed into a town is to be checked outside it. The Collector states in paragraph 6 of his letter that provision having been made for the recovery of all permits by village officers there is no necessity for providing large towns with checking tannaks. The Board understands that it is intended to enter in the column of remarks in form No. I the village (adjoining the town) to the head of which the permit shall be handed over. As regards private timber imported into the Collector promises in paragraph 5 of his letter

27/9, 2014

sections later on". The Board has no objection to the retention of the rule. It is submitted that the rule may be allowed to stand.

(c) Rule 4

i. The words, "or in such forms as may be issued from time to time by the Board of Revenue for timber and firewood" which occur in lines 2 and 3 of this rule do not correspond to the model rule. It is submitted that there seems no objection to the proposed addition.

ii. The concluding sentence of this rule, "In the case of timber imported by sea into the port of Manipal the Bill which is and manifests the intention of the Government to levy a duty on the same" is not in accordance with the model rule.

7P
"shall serve the purpose of a permit under this rule", does not find a place in the model rule and has been inserted to protect imports by sea. The Collector gives as an instance of such imports, "teak from Burma" (para 7 of his letter); but it is submitted that the instance is not an appropriate one, inasmuch as ^{imported} timber from Burma will rarely or never be timber grown in India and as such will be specially exempted by the preamble from the operation of the rules. It is perhaps unnecessary to call the Collector's attention to this point. Coming to the proposed addition ^{itself}, it is submitted that the clause is unobjectionable and will serve an useful purpose and

Is it Burma?
India?
It forms part of the statute but not "India" proper.
I would add in the preamble
"except timber not grown in India or Burma."
S/H

Rule 5

(d) The words "except in the case of headloads of fire-wood" have been inserted in the first clause of rule 5: his explanation is furnished for this exception, which is apparently an unimportant one. There would seem to be no objection to the retention of the phrase referred to. It is submitted that a rule may be added to the draft rules showing the date when they shall come into force, as has been done in the case of the Durwood transit rules. (Vide rule 11 at p. 6 of Ex. 695 d 4-12-96).

7/5/98
To Secy

The important point for order is whether Govt will accept the principle of Rule 6 (the collection of tolls). The Government has agreed to this.

it is said to have worked well so far as tried, or may be approved
Yes
8/5

8/5

12/5/98

Letter para 3 of the B.P. pp. 2 & 3 of the current (B.P. No 90 & 8/5/98) If this principle is accepted the rules may be approved

(1) the mistake in the heading of Rule 1 "President's" for "District" being pointed out and

(2) a rule being added as to the date when draft rules are to come into force.

11/5/98

To Secy 10/5/98

Note

A draft G.O. is submitted below. In it an alteration suggested by the Secy in the preamble (vide para 11 of the foregoing note) but not expressly approved by the

2/9/98

Read again G.O. misc. no.
3837 Rev. dy 24th July 1897.
.. also B.P. no 90 For: dy
8.3.98 (enc. 2558 998)

Order No 3056 25th May 1898.

The revised timber
transit rules for the Hista
district, now submitted, are
approved and will be pub-
lished in the Fort St. George
and the Hista Dist. Gazette,
subject to the following addi-
tions and alterations

(1) Preamble. In line
2 after the word "India", the
words "or Burma" will be
inserted

(2) Rule 1. In the
heading of the rule the word
"Presidency" will be corrected
into "District"

(3) As in the case of
the Hurnool rules, the following
rule shall present the
time when the new rules shall

th. Gazette

no 279, 1898

At the ...
...
...

"These rules shall come into force on the expiry of 30 days from the date of their publication in the District Gazette."

U/S

8/4/98

The Board of Revenue }
Supt. Govt. Press. }

Revised rules to be printed as
appx to the GO.

12/5/98
19.5.98

40/3

First copy sent to Press

Returned for signature.

Dispatched in print.

REID AGAIN G.O. No. 189

RECURRENT NO.

ENGINEERS TO G. No.

CHIEF OF GOVERNMENT

CHIEF OF GOVERNMENT

STATEMENT WITH DATES.

NOT NOTIFIED BY NO. 189 MOUNT FOR DEARIES
PROVISED.

As per 189
Not to be printed.
For the 189 only.
Not to be printed.

Oh. Gazette

12/4/98

and and