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# Review Of Research



## COLONIAL FOREST LAWS, FOREST RESTRICTIONS AND RIGHTS OF THE FOREST DWELLERS AND VILLAGERS IN MADRAS PRESIDENCY



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### ABSTRACT

The compelling financial demands of the Colonial Central Government after the Mutiny of 1857, the primary motive of the colonial Government to exact maximum revenue from all sources, the reason that Madras was not a fertile province susceptible to outbreak of famines and the inevitability of footing the expenditure on relief measures were some of the key issues in the formulation of the economic policies. Consequently the policies meant mainly to satisfy colonial needs had made an inextinguishable mark on the socio-economic conditions and the entire social gamut underwent radical and far-reaching changes in the Madras Presidency in the last decades of the Nineteenth Century. The forest resources are well utilized by the colonial Madras Government for the railway construction. They restricted the landing of the forest dwellers into the reserved forest and reserved lands. The violators were punished in order to prevent the arrival of the villagers into the forests in searching the needs of the forest products.

**KEYWORDS** :Forest Act, Reserved Forest, Reserved Lands, Village Forests, Forest Policy, Forest Department, Forest Offences.

### MADRAS FOREST ACT OF 1882

Another department which was very unpopular with the people next to the Salt Department was the Forest Department. The Madras Government gradually increased its control over the forests with a view to regulating people's rights over forest lands and produce. Until 1882, the Colonial

administration did not have a concrete forest policy for the Madras Presidency as a whole. The momentous visit of D.Brandis, the Inspector General of Forests to Madras and his suggestions for an effective forest organization resulted in the appointment of a Forest Committee on 24th March 1882 and the introduction of the Forest Bill in the Legislative Council. With the assent of the Governor General the Madras Forest Act was passed on 2nd November 1882.<sup>1</sup>

### RESERVED FORESTS

The Madras Forest Act of 1882 provided for the reservation of forest areas and formulation of various rules to regulate forest working. The Governor in Council was given the right to make rules to regulate the use of pasturage or of the natural products of land at the disposal of the Government and not included within reserved forests. The Act further empowered the Government to regulate the cutting of grass and pasturing of cattle and the payments paid thereof.<sup>2</sup> These measures were introduced to prevent the indiscriminate and uncontrolled exercise of cattle grazing and use of forest produce. The Government claimed to respect the requirements of the people on matters of wood and pasture and thus to strike a balance between the liberty of the people and the preservation of forests.<sup>3</sup>

### RESERVED LANDS

Apart from Reserved Forests, the Collector was invested with the authority subject to the sanction of the Board of Revenue to declare any lands at the disposal of Government as 'Reserved Lands' mainly to prohibit the alienation of the land under the waste land sale rules. Formation of Reserved Lands was mainly to give Government the power to secure eventually compact blocks for the growth of wood and production of cattle fodder in the localities where cultivation had already attained its maximum limits. It was also intended that reserved lands were granted for cultivation under short leases.<sup>4</sup> The Reserved Forests and Reserved Lands were scattered in large and small blocks in every district of the Madras Presidency and they included a considerable portion of most of the hill ranges. At the end of the year 1883-84 there were 2870 sq. miles of Forest Reserves.<sup>5</sup> The Reserved Forests and Reserved Lands aggregated to 16,066 1/2 sq. miles in 1890.<sup>6</sup> Eventually it covered a larger area at the close of the Nineteenth Century and the total area of forests under the Forest Department amounted to 50,891sq. km (19,649 sq. miles) of which 41,082 sq. km (15,862 sq. miles) were Reserved Forests and 9808 sq. km ( 3,787 sq. miles) were known as Reserved lands.<sup>7</sup>

### VILLAGE FORESTS

There was a proposal to establish village forests consisting of good forest land situated within the boundaries of the village and handed over to the villagers for communal use under communal management.<sup>8</sup> The object of village forests was that they supplied the forest produce to the villages to which they were attached and to the inhabitants of other villages. The forest produce included fire wood for industrial and domestic use; wood for agricultural implements; wood, thorns and bamboos for fences, stack floorings, sheep-folds and cattle pens; wood, bamboos and timber for building; leaves and branches for manure and grass for thatching.<sup>9</sup> The Indian Forest Act of 1878 and Burma Act of 1881 had a chapter on Village Forests whereas it was not included in the Madras Forest Act of 1882.

The idea of forming Village Forests from which the wants of agricultural population in regard to fodder, pasturage were met was abandoned by the Government while formulating a policy with regard to the provision of grazing and fodder in Public forests in its order of 29th October 1890. It was decided that the sources of fodder supply should be kept under Government control and should instead be constituted reserved forests under the Act.<sup>10</sup> In fact, the village forests would have contributed much to

the healthy development of municipal institutions and local-self government.<sup>11</sup>

### **The Forest Policy of 1894**

The Forest Policy of 1894 proved to be a landmark in the history of forest management in India. It constituted the basis for the forest policy of India even at present.<sup>12</sup> The policy was also a response to the serious discontent among agricultural class caused by strict forest administration. According to this, the policy of the Government of India was that the sole object to which management of forests was to be directed was to promote the general well being of the country. Maintenance of adequate forests was meant primarily for preservation of climate and physical conditions of the country and also to fulfill the needs of the people subject to the conditions. Nevertheless, the realization of maximum revenue was the guiding factor. Though the Government wanted to afford every reasonable facility to meet the needs of communities dwelling on the margins of forest tracts at low and non-competitive rates, the principle of state monopoly formed the cornerstone of the important forest policy statement of 1894.<sup>13</sup> While apparently more favourably disposed to village needs, the policy cautioned that these should be met only to the utmost point consistent with imperial interest.<sup>14</sup>

In Madras the lands placed under Forest administration were in most cases, distributed over the whole of the districts in the Presidency and were not confined to remote corners and forest administration was united with land revenue. The Collector was deemed the fittest officer to control the work connected with forest business in his district.<sup>15</sup> Hence the administration of the Government forests in Madras was inextricably mixed up with the administration of the land. The grazing revenue was an item of land revenue and was collected by revenue officers. The sufficiency of pasture lands was always a matter of consideration by the land revenue officers. As a result each year tended to bring the Land Revenue and Forest Department into closer connections.<sup>16</sup>

The revenue from forest management had been insignificant and the real work accomplished by the Forest Department up to 1881-82 was more of conservation than of producing revenue. The complaint of the Financial Department was that the Forest Department did not show an increase in revenue. Yet, the period under review witnessed a considerable increase in the forest revenue and showed a surplus.

The Table below shows that forests were paying their way and that the revenue produced from them advanced year after year. The Government regarded this continued advance in forest revenues as most satisfactory evidence of the increased efficiency of administration. It lay down that the Forest Department was to be considered as one of the quasi commercial departments which were to be remunerated for services rendered and for the produce supplied.<sup>17</sup>

**Table -1**  
**Financial Position s of the Forest Department in the Madras Presidency**  
**1881-82 to 1900-1901.**

Year	Receipts! Revenue	Charges /Expenditure	Surplus
1881-82	8,05,8 84	6,03,069	2,02,815
1882-83	9,03,914	6,36,558	2,67,356
1883-84	9,58,991	7,80,916	1,78,075
1884-85	11,62,689	8,84,42	2,78,268
1885-86	-	-	-
1886-87	12,46,783	11,55,687	91,096
1887-88	13,74,920	11,18,212	2,56,708
1888-89	15,15,006	12,16,674	2,98,332
1889-90	15,57,627	11,65,358	3,92,269
1890-91	17,95,408	12,53,284	5,42,124
1891-92	16,94,215	12,83,929	4,10,286
1892-93	15,77,212	13,30,258	2,46,954
1893-94	19,43,715	13,68,411	5,75,304
1894-95	19,77,182	1, 4 5,4 4,298	5,22,884
1895-96	21,67,630	14,68,988	6,98,642
1896-97	21,88,917	15,87,877	6,01,040
1897-98	21,51,114	15,88,489	5,62,625
1898-99	20,75,254	15,92,149	4,83,105
1899-1900	23,13,507	16,88,196	6,25,311
1900- 1901	24,43,773	17,38,190	7,05,5 83

Source : No.215,Board of Revenue Proceedings, No.215, ,28 April 1886, pp.10-11; Compiled d Annual Administrative Report, The Forest Department, Madras Presidency for the year 1891-92 to 1900- 1901 Exposition to Excessive Felling and Fires

As far as the expenditure was concerned, the Forest Department spent an amount annually on protecting the forests from forest fires. The greatest dangers to which forests were exposed are excessive felling and fires. The fires prevented natural reproduction as they swept the young growth and thus caused an enormous destruction. The forests in the hill ranges of Tirunelveli, Madurai and Coimbatore Districts as a matter of fact suffered more from annual fires than from excessive felling.<sup>18</sup>

There were discussions in the Select Committee on Forestry in 1885 as to the cause of forest fires whether they were intentional or accidental. They concluded that they were not entirely accidental. They were the acts generally of the jungle tribes collecting honey in the woods, cardamoms and things of that sort or cattle grazers lighting a fire for the purpose of cooking their food which caught the grass and became a furious fire.<sup>19</sup> Two large fires that took place in South Coimbatore in 1890-91 by which 3000 and 4000 acres of forest respectively were burnt at Tunakadavu range were believed to have originated from the hill men who did not put out their cooking fires properly though the real culprit had not been traced out.<sup>20</sup>

Fires also occurred due to negligence of natives by whom the grass was often willfully fired to clear away the undergrowth and render it easier to obtain sight of game and while sometimes the same course was adopted to reduce the risk to human life from wild animals.<sup>21</sup> People passing through forests, collectors of timber, wild flower fruits, gum was. etc wanted to collect those things without trouble. That many of the fires in Ganjam in the year 1898-99 were deliberately planned by villagers to enable them to collect bamboo seed.<sup>22</sup> At times, such constant firing of forests destroyed the vegetation



and deprived the people of inhabiting the neighbourhood of what once were forest lands. The increase in the number of fire cases were also due to the podu or the shifting cultivation as in the case of Vizagapatnam in 1898-99.

### DEVASTATION FOR RAILWAYS SIDE

The great fires which annually devastated the forests in the Nallamalai Hills in Kurnool District were due apart from the vicinity of the line of railway construction, almost entirely to Chenchus.<sup>23</sup> The numerous fires that took place in 1892-93 in Kurnool, Cuddapah, Nellore, Madurai, Tirunelveli and Coimbatore were partly due to incendiarism and partly to accident such as sparks from railway engine.<sup>24</sup> Some forest fires in a Reserve adjoining the railway were clearly caused by sparks from locomotives. Forest fires were also caused by the willful mischief of railway subordinates. One such incident was reported by a District Forest Officer from Kurnool. On 8th March 1895, while he was travelling between Gazulapalli and Chelama in the Kumool forest he saw a handful of burning engine waste thrown from the railway carriage window setting fire to the grass near the line. Fire patrols also reported on the same day that the fire had been caused by burning material thrown off the engine. He also added that the Railway Company should be held responsible that fires were not caused by the negligence of its employees.<sup>25</sup>

### STRATEGIES TO PREVENT FOREST FIRE

The Forest Department adopted many ways of dealing with this terrible accident of forest fires. They cut roads 300 feet wide called fire traces. The utility of having numerous roads which also acted as fire paths was very great. It confined the injury to the exact block in which the fire broke out.<sup>26</sup> The means by which exclusion of fire was, secured, was simply by the maintenance of lines around forests, clearing of all grass of combustible matter, with a given width free from all deciduous trees and periodical employment of guards to check fire which seemed likely to send their sparks or flames across the boundary and to prevent ingress of men.<sup>27</sup> Forest growth which was unusually dry was also burnt down before the commencement of a dry season as a precautionary measure. Limited and regulated grazing or special fire protection did little damage and in some respects was positively advantageous as it checked the rank growth of grass and undergrowth gradually decreasing the risk of fire.<sup>28</sup>

### FIRE PROTECTION

Longer duration of drought added to the cost of protection. Exceptionally dry weather made it unfavorable for fire protection during certain years of 1899-1900 when forests were highly inflammable and forced the Department to spend much money on fire protection. Whenever the year was favourable due to the early onset of monsoons and the coming of rains such as in the year 1884-85, it proved to be of great assistance to the Forest Department.<sup>29</sup> The amount expended on fire protection during 1891-92 was Rs 45,318 against Rs 41,460 during 1890-91 due to want of rain. In 1892, a Forest Guard and a Fire-Patrol were even murdered in December in the Palkonda Reserve in Cuddapah district while on duty.<sup>30</sup>

### FOREST OFFENCES

According to the Act of 1882, when a forest offence in respect of any timber or forest produce had been committed, such timber or forest produce along with the tools such as ropes, chains, boats, carts and cattle used would be seized by the Forest Officer or Police Officer. That officer would report to the Magistrate having jurisdiction to try offence. Upon the receipt of such report, the Magistrate took

measures necessary for trial of the accused and the disposal of the property according to the law. The Government maintained a register of forest offences in each District Forest Office. Grant of rewards was made to informers and others who rendered service to the Government by detecting or preventing breaches of forest laws.<sup>31</sup>

### RIGHTS OF THE PEOPLE IN FORESTS

The people's access to the forest was restricted during the colonial period. There were discussions at length among the Government sources as regards defining the rights of the people. The Government reserved the right to define the forest right and to determine how and where it should be exercised, as it was believed that forests were placed in the hands of Government as a trust.<sup>32</sup> A happy and a contented population it was said was better than flourishing forests'. At the same time the Government contended that as forest denudation was real, measures must be taken to avert it.<sup>33</sup> The administration claimed that the forests were destroyed mainly by forest dwellers, and hence it had to restrict their rights over forests including their right over common property resources. In Madras Presidency conservation was neither emphasized nor was the tribal's access to forest restricted during the pre-colonial as well as the early colonial period.<sup>34</sup>

The natives had rights from time immemorial of entering forests to cut wood. In many instances they had what they claimed as their rights; but the British Government considered it a privilege given to the natives of cutting of wood for firewood and manure and of grazing cattle in the forests and so on.<sup>35</sup> Also ever since the State assumed the administration of the forests it never admitted the existence of any class of public rights in them.<sup>36</sup>

### Government's Right to Define the Rights of Forest Dwellers

The Colonial State made it clear that it had the right to define the rights of forest dwellers and determine how and where it should be exercised. The first simplest form of forest rights recognized by the Government were the rights of fuel and grazing enjoyed by villagers in any forest or jungle near at hand. In a protected forest it was lawful for the Government to prohibit any person from cutting any tree or class of tree or from clearing any land for any purpose except with written license, patta or grant previously sought and obtained from competent authority and in accordance with the terms thereof and with the rules prescribed from time to time by the Government on the subject. But all the other customary or recognized rights and privileges such as of pasturage, grazing or collecting forest produce could be fully enjoyed as hitherto.<sup>37</sup> Still these rights could not be claimed legal status even if they were enjoyed for an indefinite period. For instance in 1888, the Chenchus of Krishna District made claims to their immemorial rights to forest produce such as honey, wax, hutting materials and firewood. The Forest Settlement Officer rejected their claims to forest produce; but admitted their claims to a well named Burugutlabhavi and to the Gudipad tank. When it was brought to the notice of the Secretary to the Commissioner of Land Revenue, On considering the miserable and poor condition of the Chenchus and also the fact that the revenue from the minor produce namely honey, wax, soap nuts, wood apples etc was not very significant to the Government, he assigned to them free instead of being leased out. They were also permitted to continue to get hutting materials free and also have free grazing for their cattle. At the same time the Chenchus were told distinctively that these privileges were not rights but given out of compassion and that they would be withdrawn if they did not behave properly. They were also expected to render all possible assistance to the forest officers by reporting all forest offences that came to their notice and helped to put out fires.<sup>38</sup>

Another class of rights under many names was practiced by the aboriginal races in many parts of



the Indian Territory from time immemorial. The Queen's Proclamation to the people had extended the protection of Toungya cultivators or shifting cultivators in their rights but only so long as their exercise was consistent with their well being.<sup>39</sup>

To conclude, the constant search for revenue and the anxiety to protect the existing economic resources were reflected in the passing of forest laws. The revenue derived from forests had become the principal consideration of Government. although the Madras Forest Act of 1882 was at first framed with the object of preventing the destruction of forests and securing the forest products. The Forest Department later came to be considered as a quasi commercial Department to make revenue. The Madras Government also gradually increased its control over the forests with a view to regulating people's rights over forest lands and produce. The Government reserved itself the right to define the forest rights of the people. Therefore regulations were framed by which the grazing of cattle in the forests and obtaining of fuel, wood for agricultural implements and other produce of forests required by the ryots for agriculture could be had only on certain stringent conditions. The sufferings entailed on the ryots by these regulations were great. The ryots and the tribes were held responsible for the frequent forest fires that took place. But far greater were the sufferings which the tribes living in forests and hills had to undergo. They lived on the produce which they obtained wild in the forests; but by the stringent forest rules their very means of livelihood had been taken away from them. With a view to exercising closer control over the use of forest produce the tribals were not allowed by the Government the rights which they thought were their due. They were given merely rights and privileges. As Government forests were scattered in large and small blocks in every district throughout the Madras Presidency and not confined to remote corners, the restrictions imposed by the British forest policy made a sizeable socio-economic impact not only on the indigenous tribal communities but also on those agriculturalists living - in and around the forests.

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