

Special Rules Under Section 21 of the Act for the Management of the Wen-Lock downs Reserved Forest in the Nilgiris as a Pasturage and Recreation Ground

TAMILNADU

India

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Rule

SPECIAL-RULES-UNDER-SECTION-21-OF-THE-ACT-FOR-THE-MANAGEMENT OF 1900

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Special Rules Under Section 21 of the Act for the Management of the Wen-Lock downs Reserved Forest in the Nilgiris as a Pasturage and Recreation Ground Published vide Notification No. G. O. No. 295, Revenue, dated 26th March, 1900, Notification No. 145, Page 476, Part-I of the Fort St. George Gazette, dated 27th March, 1900 G. O. Ms. No. 2226, Revenue, dated 3rd August 1914; B.PF. Ms. No. 517, dated 18th August 1914, and C.C's. Ref. No. 327/37-D-1, dated 1st April 1937; (G.O. Ms. No. 2551, Development, dated 16th November 1937, Notification No. 705, dated 4th November 1937, page 1880 of Part-I, Fort St. George Gazette, dated 9th November 1937)(G. O. Ms. No. 2005, Food and Agriculture, dated 28th May 1965)

1.

With reference to the Notification No. 144, dated March 26, 1900, which appeared at page 473 in the Fort St. George Gazette of the 27th March 1900 constituting the tract of country now known as "The Wedlock Downs" a reserved forest under section 16 of the Tamil Nadu Forest Act of 1882 (Tamil Nadu Act V of 1882), the Government of Tamil Nadu are hereby pleased to declare that the following special rules shall under section 21 of the said Act apply thereto pending further notice:-(1) Nothing shall be deemed an offence under these rules which is done by the Ootacamund

Hunt Club in the proper pursuit of hunting.(2)Except as provided in rule 1, the coursing or pursuit of jackals with any kind of dog whatsoever is strictly prohibited within reserve limits and the shooting, poisoning or trapping of them is also prohibited.(3)Shooting within the reserve shall be regulated by the Nilgiri Game and Fish Preservation Act, 1879 (Tamil Nadu Act II of 1879) and the Nilgiri Game Rules framed under the Forest Act as already in force.(4)Fishing in the Pykara river or other streams within the reserve shall be regulated by the same rules.(5)Riding picnic or other pleasure parties are free of the reserve with the exception of such places as the Collector may deem it necessary to close against intrusion under the Forest Act or rules. No greenwood shall be cut in sholas, but fallen dry wood may be gathered for fires at picnics and the like, but care must be taken that the penalty provided in section 21(b) of the Forest Act is not incurred. ("Any person who sets fire to a reserved forest or kindles or leaves burning any fire in such manner as to endanger the same, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid").(6)No wood, green or dry may be cut or gathered from a Government plantation nor shall fires be lit within one hundred metres thereof.(7)The cutting and removal of grass will be allowed without a permit save in such localities as may, from time to time, be notified by the Collector.(8)The collection of dung anywhere within the reserve limits is strictly forbidden.(9)Golfing within the reserve shall be permitted free but no new golf-course shall be laid down without the Collector's permission nor shall any building connected with the game be erected without his sanction.(10)Racing within the reserve shall be permitted free but no new racecourse shall be formed or building connected therewith erected without the Collector's sanction.(11)The grazing of cattle, asses, horses and sheep shall be permitted within the reserve except in Government's Plantations on payment of such fees as may be prescribed, from time to time; it rests with the Collector to close against grazing or the grazing of any particular class of animal, any portion of the reserve that he may deem necessary, from time to time.(12)The quarrying of stones, gravel, earth or turf within the reserve by the Divisional Engineer (Highways and Rural Works Departments) shall be allowed on payment of the seniorage at the rates prescribed for the Nilgiri division. Such quarrying shall be permitted only in such places as may, from time to time, be approved by the District Forest Officer. No materials shall be removed from the reserve for use outside its limits except with the permission of the Collector obtained in writing in advance. Subject to the same conditions, the Municipal Engineer also shall be allowed to quarry such materials for use on municipal roads passing through any portion of the reserve. Previous sanction of the Government shall be obtained to the construction of any road other than a forest road through any portion of the reserve. The Divisional Engineer (Highways and Rural Works Department) or the Municipal Engineer as the case may be, shall after quarrying for stone, gravel, earth or turf take steps to level the excavations made and leave no unsightly or dangerous pits or holes.Note. - Wheeled traffic beyond the limits of the admitted roads is strictly prohibited. This restriction does not apply to the parking of vehicles within 50 metres of any road or to the use of wheeled traffic on the downs on such occasions as race meetings under arrangements made with the approval of the Collector.(13)Goat browsing within the reserve is strictly prohibited.(14)The firing of grass in any part of the reserve except by the Forest Department will be dealt with under the Forest Act.(15)The erection of temporary huts or sheds and the cutting or collection of materials for that purpose is forbidden without the Collector's permission and in default of such permission, the contravention of this rule shall be dealt with under the Forest Act. The erection of any unauthorised

building shall be similarly dealt with.(16)The damaging of any trees within the reserve trespass into the grounds of or intrusion into any forest building is an offence.Declaration of Powers Under the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882)IPowers of District Collectors to Close Reserve forest and Reserved Lands to Grazing(G. O. No. 2123, Revenue (Special), dated the 18th November 1919-Notification No. 429, dated the 18th November 1919, page 1352 of Part I of the Fort St. George Gazette, dated the 25th November 1919; G. O. No. 2776, Development, dated the 13th December 1937-Notification No. 782, dated the 26th November 1937, page 2031, Part I of the Fort St. George Gazette, dated the 7th December 1937).In supersession of Notification No. 64, dated the 6th February 1902, on page 155 of Part I of the Fort St. George Gazette, dated the 11th February 1902 and No. 242, dated the 14th June 1905, on page 461 of Part I of the Fort St. George Gazette, dated 20th June 1905, the Government of Tamil Nadu under the authority vested in them by section 2 of the Tamil Nadu Forest (Amendment) Act, 1919 (Tamil Nadu Act VII of 1919) authorise District Collectors to exercise, subject to the concurrence of the Chief Conservator of Forests, the powers conferred by sections 22 and 27 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882).IIPowers of District Forest Officers to close Reserved Forests to Grazing(G. O. Ms. No. 51, Development, dated the 4th January 1940-Notification No. 960, dated the 2nd December 1933, page 1607 of Part-I of the Fort St. George Gazette, dated the 12th December 1939)(G. O. Ms. No. 2005, Food and Agriculture, dated the 28th May 1965)In exercise of the powers conferred by section 2 of the Tamil Nadu Forest (Amendment) Act, 1919 (Tamil Nadu Act VII of 1919), His Excellency the Governor of Tamil Nadu hereby pleased to delegate to the District Forest Officers the powers conferred on the State Government by section 22 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), subject to the conditions specified below, namely:-(1)that the area of reserved forest in which the area suspended does not exceed 500 hectares at time; and(2)that the District Forest Officers submit a report immediately to the Collector and the Chief Conservator of Forests.IIIPowers of the Board of Revenue to Permit Alienations of Rights of Pasturage or to Forest Produce Admitted in Reserved Forests(G. O. Ms. No. 996, Revenue, dated the 10th May 1932; G. O. No. 2776, Development, dated the 13th December 1937, Notification No. 783, dated the 26th November 1937; pages 2031-2032 of Part I of the Fort St. George Gazette, dated the 7th December 1937)In exercise of the powers conferred by section 65 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), the Government of Tamil Nadu are hereby pleased to delegate to the [Board of Revenue] [The Board of Revenue was abolished by the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980). Now Commissioner of Land Administration, vide G. O. Ms. No. 2675. Revenue, dated the 1st December 1980.] in respect of forests under its control, the powers conferred by section 19 of the said Act.IVPowers of the Chief Conservator of Forests to Permit Alienations of Right of Pasturage or to forest Produce Admitted in Reserved Forests or to Grant Lands on Patta in Forests Notified Under Section 4 Or 16 Of The Forest Act(G. O. Ms. No. 679, Development, dated the 16th May 1932; G. O. No. 2776, Development, dated the 13th December 1937-Notifications Nos. 784 and 785, dated the 26th November 1937, page 2032 of Part I of the Fort St. George Gazette, dated the 7th December 1937)

1. In exercise of the powers conferred by section 2 of the Tamil Nadu Forest (Amendment) Act, 1919 (Tamil Nadu Act VII of 1919), read with section 65 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), and in

supersession of Revenue (Special) Department Notification No. 428, dated the 18th November 1919, published at page 1352 of Part I of the Fort St. George Gazette, dated the 25th November 1919, the Government of Tamil Nadu are hereby pleased to delegate to the Chief Conservator of Forests in respect of forests under his control, the powers conferred by section 19 of the last mentioned Act.

2. In exercise of the powers conferred by section 2 of the Tamil Nadu Forest (Amendment) Act, 1919 (Tamil Nadu Act VII of 1919), and in supersession of Revenue (Special) Department Notification No. 427, dated the 18th November 1919 published at page 1352 of Part 1 of the Fort St. George Gazette, dated the 25th November 1919, the Government of Tamil Nadu are hereby pleased to delegate to the Chief Conservator of Forests, Tamil Nadu in respect of forests under his control the powers which are conferred on the The Board of Revenue was abolished by the Tamil Nadu [Board of Revenue] [The Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980). Now Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] by sections 7 and 18 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882).

VPowers of Forest Officers Under Section 59 of the Tamil Nadu Forest Act(G. O. No. 981, Revenue, dated the 23rd November 1897-Notification No. 607, dated the 23rd November 1897, page 1546 of Part I of the Fort St. George Gazette, dated the 14th December 1897; G. O. No. 2776, Development, dated the 13th December 1937-Notification No. 786, dated the 26th November 1937, page 2032 of Part I of the Fort St. George Gazette, dated the 7th December 1937, G. o. No. 3000, Food and Agriculture, dated the 1st September 1960-Notification No. II-1/1112 of 1960, page 361 of Part II-Section 1 of the Fort St. George Gazette, dated the 14th September 1960; G. O. Ms. No. 2005, Food and Agriculture, dated the 28th May 1965, Notification No. II-l No. 3158 of 1965, page 1414, Part II-Notification 1 of the Fort St. George Gazette, dated the Nth July 1965).In exercise of the powers conferred by section 59 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) and in supersession of Food and Agriculture Department Notification No. II-11 /1112 of 1960, dated the 14th September 1960, published at page 361 of Part II-Section 1 of the Fort St. George Gazette, dated 14th September 1960, the Governor of Tamil Nadu hereby invests all Assistant Conservators of Forests and Deputy Conservators of Forests with the following powers specified in clauses (b) and (c) of the said section, namely:-(i)powers of a Civil Court to compel the attendance of witnesses and the production of documents;(ii)powers to hold enquiries into forest offences, and in the course of such enquiries to receive and record evidence.(G. O. Ms. No. 2005, Food and Agriculture, dated the 28th May 1965)(iii)powers to issue search warrants in the course of investigation of cases involving any forest produces and the search warrants shall be executed in the manner provided, in Code of Criminal Procedure and directed to any Forest Officer of and above the rank of Forester.Note. - The payment of batta to witnesses summoned by the Officer, presiding over a departmental enquiry in

connection with forest cases will be governed by the provisions in Part III of the Tamil Nadu Manual of Special Pay and Allowances, Volume I. VI Power of Forest Officer to Inquire into and Compound Offences (G. O. No. 970, Revenue, dated the 27th August 1884; Notification No. 179, dated the 27th August 1884, Pages 617 to 619 Part I of Fort St. George Gazette, dated the 7th October 1884; G. O. No. 1016, Revenue, dated the 3rd October 1892; Notifications Nos. 172, 178 and 468 published at pages 588, 617 and 1254, Part I of the Fort St. George Gazette, dated the 23rd September and the 7th October 1884, and the 11th October 1892, respectively; G. O. No. ,2129, Revenue, dated the 18th September 1915; Errata Notification, dated the 18th September 1915 page 917 of Part I of the Fort St. George Gazette, dated the 21st September 1915; G.O. No. 2776, Revenue, dated the 13th December 1937; Notification No. 787, dated the 26th November 1937; pages 2032 of Part I, Fort St. George Gazette, dated the 7th December 1937. G. O. Ms. No. 337 Development, dated the 21st February 1941; Notification No. 114, dated the 5th February 1941, published at page 215 of Part I of the Fort St. George Gazette, dated the 18th February 1941). (1) Power of Forest Officers in respect of offence. - Under section 63(a) of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), the Government of Tamil Nadu are pleased to direct that the officers of the Forest Department in Tamil Nadu mentioned in the first column of the following Schedule, shall exercise the powers of "Forest Officers" under the section of the Forest Act mentioned in the second column of the same, over against each such class of officers, respectively:-

Class of officers empowered	Section of the Act under which powers are given	Brief description of nature of powers conferred
1	2	3
All District Forest Officers and Assistant to District Forest Officers having the rank of Deputy Conservator of Forests or Assistant Conservator of Forests, in respect of cases arising within their jurisdiction. [G.O. Ms. No. 2005, Food and Agriculture Department, dated the 28th May 1965]	55 and 59(d)	Power to compound offences. Power to accept compensation under section 55
All District Forest Officers	59	(a) Powers of a Settlement Officer under the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923). (b) Powers of a Civil Court to compel the attendance of witnesses, etc. (c) Power to hold inquiries into forest offence and receive and to record evidence.

(2) Conservators may exercise the above powers. - The Conservators of Forest are empowered to exercise all or any of the powers conferred on their subordinate officers in the foregoing Schedule. (3) Procedure on compounding an offence. - Any Forest Officer duly empowered to

exercise the powers defined in section 55 shall, on compounding an offence under that section, immediately record a statement setting forth the circumstances of the case, and the sum for which he compounded it and, shall submit a copy to the District Forest Officer for the information of the Collector. The amount received as compensation shall be paid into the nearest Taluk Treasury, and the number and date of receipt for the same in the copy of the statement. Note. - The practice of collecting compounding fees levied under section 55 of the Forest Act through subordinates below the rank of Range Officers, and Foresters should be discontinued and the accused given the option of paying the money either (a) to the Range Officer direct or by Postal money orders; or (b) into the nearest treasury. The alternative course open to the offender should be clearly specified in the demand notice issued to him. If the first alternative is adopted, the Range Officer should invariably grant a receipt in C. F. No. 61. When compounding fees are paid to the Treasury Officers by the parties, they should be credited to Forest revenue and, the fact intimated to the Range Office immediately by means of a post card. (4) Where any property seized as liable to confiscation has been ordered by a Forest Officer duly empowered under section 55 to be released under that section, such Forest Officer shall send a notice to the person entitled to the property requiring him to remove the same within the time to be specified in the notice and intimating that, in case of default, the property will be sold at his risk and the sale proceeds, after deducting the expenses, of the sale will be held in deposit for his benefit. If such person fails to remove the property within the time specified in the notice, such Forest Officer may sell the same at the risk of such person, hold the sale proceeds after deducting the expenses of the sale in deposit for the benefit of such person. (Chief Conservator's Proceedings Mis. No. 98, dated the 28th February 1941) (5) Annual Statement of compounded offences to be furnished to Conservator. - All statements shall be carefully recorded in the District Forest Office, and an abstract furnished yearly to the Conservator of Forests with the annual report. VII Powers of Revenue Officers to Enquire into and Compound Offences and Accept Compensation Notification I (G. O. No. 1813, Revenue, dated the 9th August; Notification No. 389, dated the 9th August 1916, page 696 Part I of the Fort St. George Gazette, dated the 15th August 1916; G. O. No. 2776, Development, dated the 13th December 1937; Notification No. 788, dated the 26th November 1937, page 2032 of Part I, Fort St. George Gazette, dated the 7th December 1937; G. O. Ms. No. 3769, Development, dated the 29th August 1952; Development Department Notification Nos. 609 and 610, dated the 22nd July 1952, on Page 1153 of Part I of the Fort St. George Gazette, dated the 6th August 1952; Government Memo. No. 105435/C 1/529, Development dated the 14th February 1952; Development Department, Notifications Nos. 84 and 85, dated the 19th January 1953 on page 126 of Part I of the Fort St. George Gazette, dated the 4th February 1953). Under sections 2, 55 and 59 of the Tamil Nadu Forest Act of 1882 (Tamil Nadu Act V of 1882), the Government of Tamil Nadu are hereby pleased to invest all Revenue Divisional Officers with the power of Forest Officers within their respective jurisdictions for the purpose of compounding forest offences arising in connection with unreserved land and in connection with lands handed over to forest panchayats for management. (G. O. Ms. No. 305, Revenue, dated the 9th February 1928; Notification No. 40, dated the 9th February 1928, page 245, Part I of the Fort St. George Gazette, dated the 14th February 1928; Development Department Memorandum No. 2173/133-1, dated the 4th October 1933; G. O. No. 2776, Development, dated the 13th December 1937; Notification No. 789, dated the 26th November 1937, page 2032 of Part I Fort St. George Gazette, dated the 7th December 1937) In supersession of Notification No. 41, dated the 6th February 1923, published at page 209 of Part I of the Fort St. George Gazette, dated the 13th February 1923, and Notification No.

268, dated the 25th September 1923, published at page 1108 of Part I of the Fort St. George Gazette, dated the 2nd October 1923, the Government of Tamil Nadu are hereby pleased, under section 2 of the Tamil Nadu Forest Act, 1882, to appoint all Tahsildars, Independent Deputy Tahsildars and Dependent Deputy Tahsildars as Forest Officers for the purpose of accepting under section 55 of the said Act compensation for forest offences, and under section 59 of the said Act, to invest them with the power to accept, compensation for forest offences in all cases arising in connection with unreserved lands for management where the value of the property involved does not exceed Rs. 100. Notification II (G.O. Ms. No. 538, Development, dated the 1st April 1926; Notification No. 121, dated nil; March 1926, on page 698 of Part I of the Fort St. George Gazette, dated the 30th March 1926; G.O. No. 2776, Development, dated the 13th December 1937; Notification No. 790, dated the 26th November 1937, page 2032 of Part I of the Fort St. George Gazette, dated the 7th December 1937). Under section 2 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), the Government of Tamil Nadu hereby pleased to appoint Collectors of districts as District Forest Officers within their respective jurisdictions, and to empower them under section 59 of the said Act, to accept compensation for forest offences under section 55 in all cases arising in connection with unreserved lands and lands handed over to Forest Panchayats for management. Notification III Omitted. Notification IV (G. O. Ms No. 1934, Development, dated the 19th August 1949; Notification No. 676, published at page 1119 of Part I of the Fort St. George Gazette, dated 7.8.1940). In exercise of the powers conferred by section 2 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), His Excellency the Governor of Tamil Nadu is hereby pleased to appoint all Revenue Inspectors as Forest Officers for the purpose of section 41 of the said Act in all cases arising in connection with lands handed over to Forest Panchayats for management of unreserved lands. (C. C. P. Mis. No. 112, dated the 5th March 1941) Notification V Under sections 2, 55 and 59 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), His Excellency the Governor of Tamil Nadu hereby invests all Managers below the rank of Tahsildars and Deputy Tahsildars, working under the Managers of all grades appointed under section 6(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948), for the management of the estates notified under the said Act with the powers of Forest Officers within their respective jurisdictions for the purpose of accepting compensation for offences under section 55 of the Tamil Nadu Forest Act, 1882 in all cases arising in connection with lands under their management under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948. Notification VI Under section 2 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), His Excellency the Governor of Tamil Nadu hereby appoints all officers of the rank of Tahsildars and Deputy Tahsildars and Forest Rangers working under the Managers appointed under section 6(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948) for the management of estates notified under the said Act as Forest Officers and invests them with the powers of Forest Officers under their respective jurisdiction for the purpose of accepting compensation for forest offences under section 55 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), in all cases arising in connection with lands under their management under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari Act), 1948 (Tamil Nadu Act XXVI of 1948), where the value of the property involved does not exceed Rs. 50. (C. C. P. Mis. No. 114/50, dated, the 17th March 1950) Powers of the Chief Conservator of Forests Under Section 20 of the Tamil Nadu Forest Act (G. O. Ms. No. 1694, Development, dated the 13th September 1941; Notification No. 672, dated the 13th September 1941; page 1132 Part I of the Fort St. George Gazette,

dated the 23rd September 1941) In exercise of the powers conferred by section 2 of the Tamil Nadu Forest (Amendment) Act, 1919 (Tamil Nadu Act VII of 1919) read with section 65 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), His Excellency the Governor of Tamil Nadu is hereby pleased to delegate to the Chief Conservator of Forest in respect of forests under his control the powers conferred on the State Government by section 20 of the last mentioned Act:-(C. C. P. Mis. No. 398 of 1941, dated the 23rd October 1941)