

Educational (1905) Department.

ORDINARY PRINTED.

G.O., No. 777

DATED 27-11-05

①

INDEXED.

ORIGINAL

Dep in lrs today

CR

[Despatch Abstract:]

27/11/05

Transfrs of the ^{Taluks of} Nuzvid, Alibaka and Chola taluqs ^{from} of
Central provinces to the Madras Presidency —
Informing the D.O. that the —
has been postponed till the 1st of May 1906.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government of Madras.

EDUCATIONAL DEPARTMENT.

FOR RECORD ONLY.

Recd.

Enclosures

Regd.

1905.

Spare copies

ORIGINAL

G.O., No. 777, 27th November 1905.

N. P.

Transfer of the taluqas of Nugur, Albaka and Cherla from the Central Provinces to the Madras Presidency.

Informing the Director of Public Instruction that the — has been postponed till the 1st of May 1906.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from H. H. RISLEY, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department (Judicial).

To—the Chief Secretary to the Government of Madras.

Dated—Simla, the 31st October 1905.

No.—1641.

I am directed to refer to the correspondence ending with your telegram No. 608, dated the 21st September 1905, regarding the transfer of the taluqas of Nugur, Albaka and Cherla from the Central Provinces to the Madras Presidency.

2. In the telegram above cited, it is suggested that the transfer should be effected from the 16th October 1905. The Government of India are not aware of the precise reasons for this suggestion: but, if it has been made with the object of carrying out the transfer of these taluqas from the Central Provinces synchronously with the reconstruction of Bengal, it appears to the Government of India that, in view of the present state of public feeling, such action would be inexpedient. They are further of opinion that it is desirable that the inhabitants of the tracts in question should receive ample notice of the impending change. For these reasons the Government of India would prefer that the transfer should be deferred till the 1st May 1906, and they are disposed to adopt this course the more readily because on reconsideration they desire that the proposal conveyed in paragraph 2 of Mr. Hammick's letter No. 1219, dated the 13th August 1904, that the laws in force in the transferred areas should be assimilated to those in force in the Bhadrachalam Taluk, should be further examined.

3. The suggestion was approved in general terms in the Home Department letter No. 1922, dated the 7th November 1904, and with Mr. Hammick's letter No. 1794, Judicial, dated the 5th December 1904, the Madras Government submitted a draft regulation, clause 3 of which purported to abrogate all enactments in force in the transferred taluqas with effect from the date of transfer. In the revised draft regulation of which a copy accompanies this letter, this provision has been reproduced, but the Government of India are not sure that its effects have been fully appreciated, and they would be glad to learn whether, before proposing the assimilation of the laws in the two areas, the question had been examined by the Madras Government in communication with the Central Provinces Administration.

In particular, I am to request that clause 3 of the draft may be considered with reference to its effect on the system of Land Revenue and tenures existing in the Nugur, Albaka and Cherla taluqas. The system prevailing in these taluqas, which have been only recently settled, and contain 85 malguzari and 76 ryotwari villages, rests principally upon the Central Provinces Land Revenue Act, 1881, and the Central Provinces Tenancy Act of 1898, which secure certain valuable statutory rights to the proprietors and tenants. To abolish at a stroke the statutes upon which these rights repose, or to alter without warning the procedure that has hitherto been followed in revenue matters would probably give rise to grave administrative confusion and serious discontent on the part of all classes in the transferred areas who are interested in land, and the Government of India are not prepared to assent to such a measure without fuller enquiry and deliberation. Subject therefore to any suggestions that the Government of Madras may have to make, the Government of India consider that the most satisfactory course to adopt would be to maintain the existing revenue laws in these taluqas, while providing in the regulation for their administration by the

officers of the Madras Government in charge of the district of which they will form part. It may be that on further scrutiny a similar arrangement will prove the most suitable in other branches of the administration, and I am to request that this aspect of the case may be further examined in consultation with the Central Provinces Administration and that the views of the Governor in Council may be communicated to the Government of India as soon as possible. In the meantime pending the settlement of the points now raised the Governor-General in Council will defer the publication of the proclamation giving effect to the transfer of these areas. It will be further observed that provision has been made in clause 2 of the revised draft Regulation for the application to the taluqas of Nugur, Albaka and Cherla, not only of the enactments in force in Bhadrachalam, but also of the rules, etc., made under those enactments. I am to say that the Government of India will be glad to learn whether, after consulting the Chief Commissioner of the Central Provinces, the Government of Madras consider these additions to be free from objection.

4. I am now to explain the procedure which it will be necessary to adopt in order to carry out the transfer. The various steps are as follows :—

(i) To issue a proclamation under the Government of India Act, 1865, declaring that the three taluqas shall be subject to the Government of Madras ;

(ii) to issue a second proclamation, under the Indian Councils Act, 1861, including the three taluqas as well as Bhadrachalam within the limits of the Madras Presidency for the purposes of that Act ;

(iii) to notify the application of the Government of India Act, 1870, to the three taluqas and to Bhadrachalam ;

(iv) to empower the Madras High Court by a notification under the High Courts Act, 1865, to exercise jurisdiction in the above-mentioned tracts ; and

(v) to pass a Regulation declaring the law in force in the transferred taluqas.

The Government of India propose to publish the proclamation under the Statute of 1865 (which will be drawn so as to have effect from the 1st May 1906) in the *Gazette of India* early in January next, and simultaneously to publish the notification regarding the application of the Statute of 1870 to the territories in question. The proclamation under the Statute of 1861, which has been drawn so as to take effect from the date of issue, will be published on the 1st May 1906, together with the notification under the High Courts Act.

5. Under section 1 of the Statute of 1870 it is necessary that the draft Regulation should be proposed by the local Government charged with the administration of the tract concerned, whence it follows that the draft in this case cannot be formally proposed by the Government of Madras until after the transfer of territory has been actually effected. In order, however, to reduce the interval between the actual transfer and the passing of the Regulation to a minimum, the Government of India will be glad if the Government of Madras will formally propose the draft, the terms of which will by that time have been settled, by telegram on the 3rd May 1906. The Governor-General in Council will consider it immediately on the receipt of the telegram and will pass it at the meeting of the Executive Council on the 4th May, publishing it, the same day in a *Gazette Extraordinary*. The Government of Madras will no doubt be able to arrange for its simultaneous publication in the *Fort St. George Gazette*, as it cannot come into force until it has been published in both gazettes.

Copies of the proclamations, notifications and the draft regulation as amended are enclosed.

ENCLOSURES.

A Draft Regulation to declare the law in force in the taluqas of Nugur, Albaka and Cherla.

WHEREAS the taluqas of Nugur, Albaka and Cherla have, in pursuance of Proclamation No. , dated the , issued by the Governor-General in Council under section 4 of the Government of India Act, 1865, with effect from the first day of May 1906, ceased to be 28 and 29 subject to the Chief Commissioner of the Central Provinces and become subject to the Government of Madras ;

And whereas it is expedient that the law in force in the territory comprised in the said taluqas should be the same as the law in force in the Bhadrachalam taluk in the Godavari district of the Madras Presidency;

It is hereby enacted as follows:—

- Short title. 1. This Regulation may be called the Nugur, Albaka and Cherla Laws Regulation, 1906.
2. All enactments, and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under enactments, which, immediately before the commencement of this Regulation, were in force in the taluk of Bhadrachalam in the Godavari district of the Madras Presidency and not in force in the taluqas of Nugur, Albaka and Cherla (hereinafter referred to as "the said taluqas"), shall be deemed to come into force in the said taluqas on the commencement of this Regulation.
- Repeal of laws. 3. All enactments which, immediately before the commencement of this Regulation, were in force in the said taluqas and not in force in the said taluk of Bhadrachalam shall be deemed to be repealed on and from the commencement of this Regulation in the said taluqas.
- Pending proceedings. 4. All proceedings pending at the commencement of this Regulation before any authority in the said taluqas shall be disposed of by such authority as the Governor of Fort St. George in Council may direct, and, save as aforesaid, shall be carried on as if this Regulation had not been passed.

Draft Proclamation, the January 1906.

In exercise of the powers conferred by the Government of India Act, 1865 (23 & 29 Vict., Cap. 17), section 4, the Governor-General in Council is pleased to declare that the Nugur, Albaka and Cherla taluqas, which now form part of the Central Provinces, shall, on and with effect from the 1st May 1906, cease to be subject to the Chief Commissionership of the Central Provinces and be subject to the Government of Madras.

Draft Proclamation, the 1st May 1906.

In exercise of the powers conferred by the Indian Councils Act, 1861 (24 and 25 Vict., Cap. 67), section 47, the Governor-General in Council is pleased to declare that, for the purposes of the said Act, the Nugur, Albaka and Cherla taluqas, which by the Proclamation No. , dated the , have been declared to be subject to the Government of Madras, together with the Bhadrachalam taluk in the Godavari district, shall be included within the limits of the Madras Presidency.

Draft Notification of the Government of India, Home Department (Judicial), dated Calcutta, the January 1906.

It is hereby notified that the Secretary of State for India has, by Resolution in Council, dated the 17th January 1905, declared the provisions of section 1 of the Government of India Act, 1870 (33 & 34 Vict., Cap. 3), entitled "an Act to make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto", to be applicable to the Bhadrachalam taluk of the Godavari district in the Presidency of Madras, and to the taluqas of Nugur, Albaka and Cherla in the Central Provinces.

Order—No. 777, Educational, dated 27th November 1905.

In modification of G.O., No. 704, Public, dated the 21st September 1905, forwarded with Educational Endorsement No. 615, dated 14th October 1905, fixing the 16th October 1905 as the date from which the Nugur, Albaka and Cherla taluqas of the Central Provinces may be transferred to this Presidency, the Director of Public Instruction is informed that the transfer of the taluqas has been postponed till the 1st of May 1906.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 777, EDUCATIONAL,
DATED 27TH NOVEMBER 1905.

[SUBJECT.—*Transfer of certain Taluqas from the Central Provinces to the Madras Presidency.*]

PUBLIC DEPARTMENT.

From the Government of India, Home Department, No. 1641, dated 31st October 1905.

Submitted that a copy of the letter from the Government of India and of its enclosures regarding the transfer of the Nugur, Albaka and Cherla taluqas from the Central Provinces to the Madras Presidency may be forwarded un-officially to the Educational and Legislative Department.

2. Attention is invited to the fact that the transfer of the taluqas is to be postponed till 1st May 1906. Officers concerned should be informed at once.

N.K.—19-11-05.

A. Y. G. CAMPBELL—21-11-05.

To the Educational and Legislative Department.

EDUCATIONAL DEPARTMENT.

Paragraph 2 of the Government of India letter concerns this department also and an abstract of it may be communicated to the Director of Public Instruction. A draft is submitted below for approval.

R.N.—24-11-05.

P. T. THARYAN—24-11-05.

Issue.

A. GALLETTI—27-11-05.

[G.O., No. 777, Educational, dated 27th November 1905.]

37°
Educational (1905) Department.

CURRENT No. 2043.

From

[Name] A. H. Risley Esq. C.S.I., C.I.E.

[Designation] Secretary to the Govt.

[Station] of India

No. 1641

Received 24 - 11 - 1905

Dated 31 - 10 - 1905

Enclosures _____

Registered 24 - 11 - 1905

SUBJECT.

Regarding the transfer of the taluqs of Nijur
Albaka, & Chela from the Central provinces to the
Madras Presidency

BACK PAPERS.

FURTHER PAPERS.

In modification of G.O. no. 704
Public: of the 21st Sept. 1905 for-
warded with Est. East. no. 615
of the 2nd Oct. 1905 fixing the 16th
Oct. 1905 as the date from which
the Nagpur, Albaka and Cherla
Talukas of the Central Provinces
may be transferred to this Presi-
dency, the D. P. I. is informed
that the Govt. of India are of
opinion that it is desirable
that the inhabitants of the
tracts in question should
remain

[Faint, mostly illegible handwritten text at the top of the left page.]

[Faint, mostly illegible handwritten text at the bottom of the left page.]

receiving notice of impending changes and accordingly prefer that the transfer of the taggas has been postponed should be deferred till the 1st of May 1906.

Ru 24/11/5
My 27.11.5

To the D.P.I.
27/11/5

[Faint, mostly illegible handwritten text at the bottom of the right page.]

Handwritten notes at top left of left page, mostly illegible.

Handwritten initials or numbers, possibly "11.8.5".

Handwritten date "11/11/40".

Handwritten number "127".

Handwritten letter "A".

Handwritten text "A 29.8 11/11/40".

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No. 190.

DATED

CURRENT No.

2043 — A

ENCLOSURES TO C. No.

2043 — A

ORDER OF GOVERNMENT

A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILLED UP, BEING MEANT FOR DETACHMENT IN ORIGINAL

N.B.—

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.

NUMBER OF COPIES REQUIRED.

Order complete. 95

Letter only.

Order complete with Letter.

Handwritten circled note: "98 not rep".

Handwritten signature or initials.

Handwritten note: "60 hwtis".

Handwritten date: "May 27/11".