

- (1) பக்கங்களின் எண்ணிக்கை 6
(2) புதுக்கித் திருப்பிய நாள் Sept 1990
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் [Signature]

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial Dept
துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	33	அச்சகம் பலவகை
நாள் :	5. 1. 1978	198

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

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GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

5th January 1878, No. 33.

Scheduled Districts (Godavari).

Read again—

Proceedings of Government, dated 18th October 1877, No. 2483.

Read also the following papers:—

No. 27. *From ERNEST BARCLAY, Esq., Government Solicitor, to the Chief Secretary to Government, dated Madras, 6th November 1877, No. 495, forwarding the following opinion of the Advocate-General:—*

OPINION.

With reference to the Order of Government, dated 18th October 1877, No. 2483, forwarding certain papers to me relating to the taluks of Bhadrachalam and Rakapilli and the Rampa country in the Godavari District, my view is that the notification proposed by the Government is, in the circumstances disclosed by the papers sent to me, the one best calculated to meet the difficulties and doubts which have arisen regarding the laws to be enforced and the authorities to whom the administration of the law is to be confided. The suggestions contained in paragraphs 2 and 4 of Mr. Howell's letter, dated 11th September 1877, No. 1391, addressed to the Secretary to the Government of Madras, being adopted, I think it is safer to specify all the enactments which are to be in force than to specify those only as to which doubts may be entertained; although it would probably be held that the Penal Code and the Code of Criminal Procedure are in force in the taluqs in question, yet the matter is not quite clear seeing that Mr. Cunningham, the late Advocate-General, who attended the discussion in the High Court of Madras referred to in his opinion dated the 21st December 1876, recommends that a notification be issued declaring the Penal Code and the Code of Criminal Procedure (with the amending Acts) to be in force. Whether the doubts are well-founded or otherwise, it appears from the papers that there are doubts as to what laws are in force; and it seems to me to be expedient to set them at rest by an authoritative declaration such as that proposed by the Government.

2. The present Limitation Act, XV of 1877, ought to be substituted for Act IX of 1871 in the notification.

MADRAS,
5th November 1877.

(Signed) F. O'SULLIVAN,
Acting Advocate-General.

No. 28. ORDER THEREON, 5th January 1878, No. 33.

As suggested by the Government of India in their letter,* Home Department (Judicial), dated 11th September last,

* Recorded in G. O., 18th October 1877, No. 1391, the Advocate-General has been consulted on the question of the form and terms of the notifications to be issued under Sections 3 and 5 of "The Scheduled Districts Act, 1874," in regard to the taluks of Bhadrachalam and Rakapilli and the Rampa Country in the Godavari District.

2. Mr. O'Sullivan has now submitted his opinion that, as it appears from the correspondence on the subject that there are doubts as to what laws are in force in the tracts above named, it is expedient to set them at rest by an authoritative declaration, such as that already proposed by this Government; and that the suggestions of the Government of India contained in paragraphs 2 and 4 of the letter quoted above—as to the form of the notifications and the description or nomenclature of the enactments to be stated therein—being adopted, it would be safer to specify *all* the enactments which are to be deemed in force than to specify only those as to which doubts are entertained.

3. Under this opinion the Government are unable to adopt the suggestions of the Government of India contained in paragraph 3 of their letter.

4. The notifications will, therefore, be prepared according to the forms appended to the letter of the Government of India, and the entries as to the enactments which are to be deemed in force made therein as advised by the Advocate-General. It will be necessary, however, in order to fill up column 3 of the schedule annexed to each notification, that the Collector and Magistrate of the Godavari District should report as to the particular officers in the scheduled tracts who should be directed to exercise and perform the jurisdiction, powers, and duties incident to the operation of any enactment declared to be in force there.

5. Draft notifications, prepared as above directed, will accordingly be sent to the Collector and Magistrate with the request that he will insert in column 3 of the schedules such entries as he would propose should be made in it, returning the notifications with an explanatory letter.

6. Upon the receipt of the Collector and Magistrate's report, the requisite entries will be made in the schedules; and the notifications, thus rendered complete, will be submitted to the Government of India for sanction and publication in the *Gazette of India*.

7. As, under the opinion of the Advocate-General, the Indian Penal Code and the Code of Criminal Procedure are now to be entered in one of the above notifications, and the directions to be made under Clause (c) Section 6 of the Act are to be included in both the notifications, the rules proposed for the guidance of officers in the scheduled tracts, and which are appended to the Proceedings of Government dated 3rd July 1877, No. 1562, will require to be amended. Rule XVIII, referring to the two Codes, should be expunged, and alterations made in several of the other rules so as to make them harmonize with the specific directions to be given in column 3 of the schedules annexed to the notifications.

8. The Collector and Magistrate will accordingly submit a draft of the rules in question revised in pursuance of the foregoing instructions.

(True Extract.)

D. F. CARMICHAEL,
Chief Secretary.

To the Collector and Magistrate of the Godavari District, with two
spare copies of G. O., dated 3rd July 1877, No. 1562.
Advocate-General.

DRAFT NOTIFICATION.

In exercise of the power conferred by Section 3 of the Scheduled Districts Act, 1874, His Grace the Governor of Fort St. George in Council is pleased, with the sanction of the Governor-General in Council, to declare that so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the Presidency of Fort St. George which are not included in any scheduled district is in

force likewise in the taluks of Bhadrachalam and Rakapilli and the country of Rampa in the Godavari District.

2. His Grace the Governor of Fort St. George in Council is further pleased, in exercise of the power conferred by Section 6 of the said Act, to direct that the jurisdiction, powers, and duties incident to the operation of the said enactments, so far as such jurisdiction, powers, and duties are referred to in the third column of the said schedule, shall be exercised and performed by the authorities mentioned in that column.

SCHEDULE.

1	2	3
Number and Year of Act.	Subject.	Jurisdiction, powers, and duties how to be exercised and performed.
Act XVIII of 1850	Protection of Judicial Officers.	
" XLV of 1860	Indian Penal Code	
" VI of 1864	Whipping	
" XIV of 1866	Post Office	
" I of 1868	General Clauses	
" XVIII of 1869	Stamp Duties	
" VII of 1870	Court Fees	
" X of 1870	Acquisition of Land for Public Purposes	
" XX of 1870	Amending Court Fees Act	
" XXVII of 1870	Amending Penal Code	
" I of 1871	Cattle Trespass.	
" I of 1872	Evidence	
" IX of 1872	Contract Law	
" X of 1872	Criminal Procedure	
" XI of 1872	Extradition	
" XVIII of 1872	Amending Evidence Act	
" XIX of 1872	Definition of "Coin" (Penal Code)	
" X of 1873	Judicial Oaths	
" XI of 1874	Amending Code of Criminal Procedure	
" IX of 1875	Majority	
" XVIII of 1875	Law Reports	
" XV of 1877	Limitation	

DRAFT NOTIFICATION.

In exercise of the power conferred by Section 5 of the Scheduled Districts Act, 1874, His Grace the Governor of Fort St. George in Council is pleased, with the sanction of the Governor-General in Council, to extend to the taluks of Bhadrachalam and Rakapilli and to the country of Rampa in the Godavari District so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the Presidency of Fort St. George which are not included in any scheduled district.

2. His Grace the Governor of Fort St. George in Council is further pleased, in exercise of the power conferred by Section 6 of the said Act, to direct that the jurisdiction, powers, and duties incident to the operation of the said enactments, so far as such jurisdiction, powers, and duties are referred to in the third column of the said Schedule, shall be exercised and performed by the authorities mentioned in that column.

SCHEDULE.

1	2	3
Number and Year of Act or Regulation.	Subject.	Jurisdiction, powers, and duties how to be exercised and performed.
XXXVI of 1827	Criminal Jurisdiction of Collectors.	
" VII of 1839	Tahsildars.	
" VIII of 1840	Award of Panchayets	
" XVII of 1840	Penalties for Breach of Salt Laws.	
" VII of 1852		
" XXI of 1855	Minors (Education and Marriage).	
" I of 1858	Compulsory Labor	
" XIII of 1859	Fraudulent Breaches of Contract by Workmen	
" XXXI of 1860	Arms and Ammunition	
" VI of 1866	Do.	
" II of 1869	Justices of the Peace	
" XV of 1869	Evidence of Prisoners	
<i>Madras Regulations.</i>		
Regulation III of 1802	Administration of Estates	
" V of 1804	Court of Wards	
" I of 1805	Salt	
" IV of 1816	Village Munsifs	
" V of 1816	Village Panchayets	
" XI of 1816	Heads of Villages	
" XII of 1816	Reference of Claims regarding Land and Produce to Village and District Panchayets	
" VII of 1817	Charitable Endowments: Escheats.	
" II of 1819	State Prisoners	
" IV of 1821	Petty Thefts	
" IX of 1822	Embezzlement by public servants and malversation in revenue matters	
" III of 1823		
" VII of 1828	Powers of Subordinate and Assistant Collectors	
" X of 1831	Minors' Estates	
" III of 1832	Limitation	
" XI of 1832	Hidden Treasures	
<i>Madras Acts.</i>		
Act III of 1863	Service of Process under Act XIII of 1859	
" II of 1864	Recovery of Arrears of Revenue.	
" III of 1864	Abkari	
" V of 1865	Police	
" VII of 1865	Recovery of Rent.	
" I of 1867	General Clauses	
" III of 1869	Empowering Revenue Officers to summons witnesses	
" II of 1871	Recovery of Rent.	
" I of 1872	Police	

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Deeds

Deeds

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