

(1) Number of pages 24
(2) Date of repair 17-10-1966
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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2401	Press ~~Mis.~~
Dated	17-9-	1878.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

17th September 1879, No. 2401.

Rampa Country.

Read the following paper :—

✓ No. 146. *From the Secretary to the Government of India, Home, Revenue and Agricultural Department (Judicial), dated 3rd September 1879, No. 994.*

ABSTRACT.—Forwarding draft Notifications, under Sections 3 and 5 of the Scheduled Districts Act, 1874, relating to Bhadrachalam, Rakapilli and Rampa in the Godavari District, and stating that the sanction of the Governor-General in Council is not necessary to the Rules contained in G.O., 5th May 1879, No. 1039-A, Judicial Department.

No. 147. ORDER THEREON, 17th September 1879, No. 2401.

Resolved, with reference to paragraph 4 of the foregoing letter, that the following telegram be despatched, viz. :

" Your letter, Judicial No. 994, dated 3rd instant, paragraph 4; this Government accepts both Notifications, and requests publication."

2. Adverting to paragraph 5, the following addition will be made by a *nota bene* to Column 3 of the List of Acts, &c., viz., "to be exercised within the jurisdiction assigned by the Rules."

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the Collector and District Magistrate of Godavari.
" Honorable the Judges of the High Court.
" Board of Revenue.
" Revenue Department.
" Advocate-General.
" Government Pleader.

No. 2402.

Copy to the Secretary to the Government of India, Home, Revenue and Agricultural Department.

Acting Chief Secretary.

Exd. T. O'Connor.

100. 174 September 1879, No. 2101.
 SEPTEMBER.
 Nos. 140-147.
 JUDICIAL.
 OFFICE OF THE SECRETARY TO THE GOVT. OF MADRAS.
 JUDICIAL DEPARTMENT.
 100. 174 September 1879, No. 2101.

FROM

C. BERNARD, Esq., C.S.I.,

THE SECRETARY TO THE GOVT. OF MADRAS

Home, Revenue and
Agricultural Department.
Judicial.

SIMLA, the 3 September 1879.

SIR,

I AM directed to acknowledge the receipt of your letter No. 1039B., dated the 5th May last, submitting for approval a Notification and draft Rules relating to the enactments to be declared in force in the taluks of Bhadrachallam and Rakapilli, and in the country of Rampa in the Godavari District. In reply, I am to communicate the following observations:

2. As regards the Madras Regulations and Acts proposed in force in the taluks of Bhadrachallam and Rakapilli, I am to observe that as these tracts originally formed a part of the Central Provinces, transferred to the Madras Presidency as recently as the 1st January 1874, it would be incorrect to declare enactments passed by the local authorities previous to 1874 to be in force in those taluks, the mere transfer of the Central Provinces to the Madras Presidency would not have the effect of introducing Madras laws into them. The only Madras Act subsequent to 1874 shown in the list of enactments is IV of 1878. But as this Act amends Act I of 1870, which, it is held, cannot be declared in force, Act IV of 1878 also cannot be so declared. Under these circumstances, the proper course appears to be to extend the Madras Regulations and Acts under Section 5 of the Scheduled Districts Act, 1874, to the taluks of Bhadrachallam and Rakapilli.

3. As regards the general Acts, it is possible that they may have been in force in the two taluks when they formed a part of the Central Provinces, and there is therefore no objection to declaring them now to be in force as proposed, except Section 9, Act I of 1877, which repeals Act XIV of 1859, should be extended under Section 5 of the Scheduled Districts Act, 1874.

4. In accordance with these views, I am to submit to His Grace the Governor in Council two Notifications drafted in the course suggested. His Grace may be requested for publication in the Gazette.

It is observed that the form of the Notification as submitted with your letter under reply has been altered. This has been done owing to the fact that the entries in the third column of the Notification are incomplete, inasmuch as they do not fit in with paragraph 2 of the Notification. The entries made under Section 6 of the Act, in column 3, should not only state the authorities exercising jurisdiction, but also the jurisdictions, powers, and duties incident to the operation of the various enactments which such authorities are to exercise and perform. It is unnecessary, however, to delay the issue

of the Notification for the completion of such entries in column 3, as the matter is one with which the Local Government can, under Section 6 (c) of the Act, deal without the sanction of the Government of India. The second paragraph of the Notification and the entries regarding jurisdictions, &c., in the third column of the Schedule have consequently been omitted in the Notification prepared in this office. In the place of this paragraph and column, a separate Notification can, if His Grace the Governor in Council sees fit, be issued by the Local Government under Section 6 of the Act.

6. With reference to Schedule II of the Notification under Section 3, I am to explain that Madras Acts V of 1865 and II of 1866 have been omitted from the list of enactments for the following reasons—

Act V of 1865.—This Act is to be read with, and to be taken as part of, Act XXIV of 1859; and if any Notification is to be made under the Scheduled Districts Act in regard to either of these Acts, it should be with reference to the earlier one only. But by Section 55 of Act XXIV of 1859 the Local Government is competent to declare the Act in force in any district. If this is now done in regard to the Rampa country, the applicability of Act V of 1865 to that country will follow as a matter of course.

Act II of 1866.—Under Section 1, the Local Government is competent to put the Act in force.

7. With reference to the list of enactments attached to the Notification under Section 5, I am to say that Act XXIV of 1859 is included in the list as it was passed before the taluks of Bhadrachallam and Rakapilli became part of the Madras Presidency, and those taluks therefore could not have been in the contemplation of the framers of the Act at the time it was passed.

Act V of 1865 is also entered in this list as it became a part of Act XXIV of 1859 in all places which formed part of the Madras Presidency at the time the former Act was passed and to which the latter Act may be extended. But it will not apply in Bhadrachallam and Rakapilli unless it is extended to those taluks.

Act II of 1866, for the same reasons which apply in the case of Act XXIV of 1859, should be extended to the taluks in question; and is accordingly included in the list.

8. In conclusion, I am to say that the sanction of the Governor General in Council is not necessary to the Rules submitted with your letter under reply.

I have the honour to be,

SIR,

Your most obedient Servant,

Bernard

Offg. Secretary to the Govt. of India.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

JUDICIAL.

IFICATION.

In exercise of the power conferred by Section 3 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that so much of each enactment mentioned in Schedules I and II 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 portions of the Godavari District mentioned in the third column of the said Schedules.

2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the above portions of the Godavari District and not mentioned in the said Schedules.

SCHEDULE I.

Number and year of Regulation or Act.	SUBJECT.	Portion of the Godavari District in which declared to be in force.
ACTS OF THE GOVERNOR GENERAL IN COUNCIL.		
A of 1841	Curators in Cases of Insanity	
F of 1850	...	
F of 1851	...	
IX of 1861	...	
IX of 1861	Evidence of Prisoners	country of Rampa.
XV of 1869	...	

SCHEDULE II.

Number and year of Regulation or Act.	SUBJECT.	Portion of the Godavari District in which declared to be in force.
MADRAS REGULATIONS.		
III of 1802	Procedure of Civil Courts	
V of 1804	Court of Wards	
II of 1806	Collectors and Karnams	
IV of 1806	Village Munsifs	
V of 1816	Village Panchayats	
XI of 1818	Duties of Heads of Villages: Maintenance of Peace by Magistrates.	
XII of 1816	Reference of Claims to Land and Produce to Panchayats.	
VII of 1817	Maintenance of Bridges, Choultries, &c.: Escheats.	
II of 1819	State Prisoners	
IV of 1821	Petty Thefts	
VII of 1828	Powers of Subordinate and Assistant Collectors: Control of Collectors.	
VI of 1831	Hereditary Village Officers	
X of 1831	Prohibition of Sale of Minors' Estates for Arrears of Revenue.	Country of Rampa.

Number and year of Regulation or Act.	SUBJECT.	Portion of the Godavari District in which declared to be in force.
B.—MADRAS COUNCIL ACTS.		
II of 1864	Recovery of Arrears of Revenue	Country of Rampa.
VI of 1865	Official Seals	
VIII of 1865	Recovery of Rent	
III of 1869	Empowering Revenue Officers to summon Witnesses.	
I of 1870	Canal Tolls and Ferries	
II of 1871	Explaining Madras Act VIII of 1865, Section 11, Clause 4.	
I of 1872	Police	
IV of 1878	To amend Madras Act I of 1870	

Offg. Secretary to the Govt. of India.

No.

Prohibition of Sale of Minors' Estates for Arrears of Revenue.

(v)

En. Nr. 146

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No.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT

JUDICIAL

IN exercise of the power conferred by Section 5 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to extend so much of each enactment mentioned in Schedules I and II hereto annexed as is in force in those parts of the Presidency of Fort St. George which are not included in any Scheduled District to those portions of the Godavari District mentioned in the third column of the said Schedules.

SCHEDULE I.

Number and year of Regulation or Act.	SUBJECT.	Portions of Godavari District to which extended.
ACT OF THE GOVERNOR GENERAL IN COUNCIL	... movable property	Taluks of Bhadrachalam and ...

Number and year of Regulation or Act.	SUBJECT.	Portions of the Godavari District to which extended.
A.—ACT OF THE GOVERNOR GENERAL IN COUNCIL.		
XXIV of 1859 ...	Police	Taluks of Bhadrachalam and Rakapilli.
B.—MADRAS REGULATIONS.		
III of 1802 ...	Procedure of Civil Courts	Taluks of Bhadrachalam and Rakapilli.
V of 1804 ...	Court of Wards	
II of 1806 ...	Collectors and Karnams	
IV of 1816 ...	Village Munsifs	
V of 1816 ...	Village Panchayats	
XI of 1816 ...	Duties of Heads of Villages: Maintenance of Peace by Magistrates.	
XII of 1816 ...	Reference of Claims to Land and Produce to Panchayats.	
VII of 1817 ...	Maintenance of Bridges, Choultries, &c.: Escheats.	
II of 1819 ...	State Prisoners	
IV of 1821 ...	Petty Thefts	
VII of 1823 ...	Powers of Subordinate and Assistant Collectors: Control of Collectors.	
VI of 1831 ...	Hereditary Village Officers	
X of 1831 ...	Prohibition of Sale of Minors' Estates for Arrears of Revenue.	

Number and year of Regulation or Act.	SUBJECT.	Portions of Godavari District to which extended.
C.—MADRAS COUNCIL ACTS.		
II of 1864	Recovery of Arrears of Revenue	Taluk of Bhadrachalam and Rakapilli.
V of 1865	(Amending Act XXIV of 1859)	
VI of 1865	Official Seals	
VIII of 1865	Recovery of Rent	
II of 1866	Cattle disease	
III of 1869	Empowering Revenue Officers to summon Witnesses.	
I of 1870	Canal Tolls and Ferries	
II of 1871	Explaining Madras Act VIII of 1865, Section 11, Clause 4.	
I of 1872	Police: to amend Section 48, Act XXIV of 1859.	
IV of 1878	To amend Madras Act I of 1870	

Offg. Secretary to the Govt. of India.

Telegram to H. M. Lott
Simla dated 17 June 1879.

Mr. Lott's Imperial
1035 B. dated 5 May 1879.
Please correct notification
namely - Regulation 3, 1802.
omit section 11 - Regulation
4, 1821. for section 4 read
6 - For Imperial 14, 1859
section 15 - read Imperial
1.37 section 7.

1037 = 1035 B.

Encl. 146

880 2655

16
✓
No. 16-Sept 779

Post (1879) DEPARTMENT.

(Rampur Country)

From

to Govt. of India
Am. Rev. &

No.

994

Agri.

Dated

12

Received

12

September 79

21/10/79

10.472

No. 2659

Remarks on the
notification & draft
rules relating to
the enactment to
be declared in
force in the Bhadrachalam
Kopilli Lohar

Judicial DEPARTMENT.

17

No. 2650

From the Government of India Home, Rev. Sept 79

Dated 3rd September 79

Bhadrachalam & other
forwards Schedule District Lohar

FOR ORDERS.

First day

Resolved with ref. to
para 4 of the foregoing order
that the following telegram
be despatched: - "You
are, please, No 994 of
"3rd instant, this Govt. ac
"cepts both notifications, &
"requests publication of
"advertisements to

14

Pro 16- Sept 779

Pro 16 (1879) DEPARTMENT

18

para 5 - the following
addition will be made to a
Notation to Col. 3 of the list of
set to c. viz "to be carried
under the jurisdiction assigned
"by the Rules".

Note for Office
This letter from
India did not be
concluded to be scheduled
but. Oppenals
L.

27 16/4

11/11

"Article 3rd instant, para 4;
 "The Government accepts
 "both ratifications, and
 "requests publication"

Accordingly to para 5
 the following addition will
 be made by a Notar
 to column 3 of the List
 of State vs - viz to be
 inserted within the price
 accepted by the
 State.

[Signature]

From order

Decd 25/9

N^o 2402

Copy to the Secy to the
 Govt of India Home Revenue
 & Agric. Dept.

To
 The Collr. & Dist. Magistrate
 Godavari.
 Hon. the Judges of the
 Bd. of Revenue.
 Revenue Dept.
 Advocate General
 Govt. Pleader.

[Signature]

Govt. of 1874 Madras.

paid

To

Date 17 } 1874 No. 2401
Recd.

Nos. 146-147

Wang. Security. No. 1.

Notes & G. B. J. J. J. J. J.

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15-2-33
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28-6-12
18-9-13
7-4-19
11-6-26
17-1-27
5-3-28
5-8-28
28-7-34
10-6-36