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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No.	2168	Press
B.P. No.		Mis.
Dated	16 th 12	18 82.

*Original*Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper :—

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Department (Judicial), to the Secretary to the Government of Madras, dated Fort William, 28th November 1882, No. 1697.

I am directed to acknowledge the receipt of your letter, No. 1245, dated the 8th September 1882, on the subject of the issue, under the Scheduled Districts Act (XIV of 1874), of a complete list of all the enactments which are held to be in force in the Scheduled Districts of Ganjam and Vizagapatam. You point out that in the case of the Bhadrachalam and Rékapalle Taluks and the Rampa Country of the Godáviri District the preparation of a similar list was considered inappropriate, and you add that an exhaustive notification of the enactments in force in the Ganjam and Vizagapatam Districts is, in the opinion of His Excellency the Governor of Madras in Council, unnecessary.

2. In reply, I am to explain that the principle laid down in paragraph 3 of the Home Department letter, No. 1391, dated the 11th September 1877, of which an extract is given in your letter under acknowledgment, has invariably been followed by the Government of India, but there does not appear to the Governor-General in Council to be anything substantially inconsistent with that principle in the instructions contained in the Home Department letter, No. 279, dated the 25th February 1882. The reason for which the preparation of a complete list of the enactments in force in the districts of Ganjam and Vizagapatam was suggested was that the deregulationizing * law applicable to those districts

* Act XXIV of 1839.

appeared to the Government of India to have been so framed as to leave room for doubt as to the great majority of the enactments which might be in force. It was foreseen that there might, of course, be some enactments in regard to which no such doubt would arise, that is, enactments which, notwithstanding the somewhat ambiguous wording of the deregulationizing law, either clearly are or clearly are not in force; and, in the event of these enactments being found to be sufficiently numerous to make it worth while to omit them from the Notifications under Clause (a) and, Clause (b) of Section 3 of the Scheduled Districts Act, 1874, the Governor-General in Council was advised that the proper course would have been to omit them. The impression, however, under which the instructions given in the Home Department letter of 25th February last were framed was that the enactments of this class would not be so numerous as to be worth omitting.

3. With regard to the question discussed in the latter portion of paragraph 3 of your letter, I am to observe that no decided opinion was expressed upon it in the Home Department letter of 25th February. On this point the intention of the Government of India was only to suggest that it might be held that the power conferred by Section 4 of Act XXIV of 1839 of making rules for the guidance of the Agents and officers subordinate to them also bars by implication the operation of any enactment relating to Civil and Criminal Justice and to the collection of the revenue which may have been passed after the date on which that Act came into force. The contention that the above view is untenable merely because the words "except the tracts respectively under the jurisdiction of the Agents for Ganjam and Vizagapatam" were

inserted in Section 1 of Act III of 1873 (The Madras Civil Courts Act) appears to the Government of India to be of doubtful force, inasmuch as the draftsman would naturally insert these words as a matter of precaution, unless it was *absolutely clear* that they were not needed.

4. Having regard, however, to the fact that the issue of an exhaustive list of the enactments in force in the Ganjam and Vizagapatam Districts is, in the opinion of His Excellency the Governor of Madras in Council, unnecessary, the Governor-General in Council does not desire to press for the preparation of such a list, and the question may, in accordance with the recommendation contained in your letter under reply, be left as it at present stands if the Government of Madras on reconsideration desire this.

ORDER—dated 16th December 1882, No. 2168, Judicial.

Recorded; the Government desiring to leave the matter as it now stands.

(True Extract.)

C. G. MASTER,
Chief Secretary.

Gobt. of 1882 Madras.
JUDICIAL.

Encl

Recd

Encl

G.O., 16th December 1882, No. 2168.

DECEMBER.

Scheduled Districts.

Resolving letter from Government of India intimating that they do not desire to press for the preparation of a list of the enactments which are held to be in force in the — of Ganjam and Vizagapatnam, and that the question may be left as it stands at present.

33

37
In the original list
of enactments
of 1877.

Judicial (1882) Dept.
(List of Enactments)

Des
P
all

From
The Govt of India
Home Dept.
No 1697.

By 28/11/82 } 780.
Recd 4/12/.

1102!

Enactments held
to be in force in Scheduled
Districts Ganjam & Vizag-

Patnam

Resolving letter from Government of India

16 Dec 1882 No 2168.

Encl

20-8-12
23-4-15 B.M.
16-7-19
18-8-15 B.M.
18-8-26-11
16-7-19-50

PRESS.

Just? DEPARTMENT.
G.O. DATED 16 Dec/12
No. 2168.

First copy sent to Press. 16/12/12.

Returned for signature. 22/12

Despatched in print.



[Despatch Abstract.]

Scheduled Districts. Reading
letter from G.O. intimating
that they do not desire to prepare
for the preparation of a
list of the enactments which
are held to be in force in the
of Punjab & Vizag;
& that the question may be
left as it stands at present.