

(1) Number of pages

(2) Date repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No.

B.P. No.

Press

Mis.

Dated 13th September 1888.

Not to be folded or roughly handled

13TH SEPTEMBER 1888, No. 1956, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

Petition from Harumantha Ramayya, Vizagapatam, dated 12th April 1888.
" from D. Kameswarammah, dated 17th April 1888.
" from C. Seshamma, Godavari district, dated 9th June 1888.

Office Note from the Secretary to Government, Revenue Department, dated 28th June 1888, No. 62.

ORDER—dated 13th September 1888, No. 1953, Judicial.

The practice of dealing with matters affecting the Agency tracts in the Judicial Department is an old one, and probably arose from the fact that the main administrative interest in those regions has always been the preservation of the peace. It is, moreover, desirable that the question of the applicability of any law to the Agency tracts, such as has frequently arisen, should be considered in the Judicial Department, and for these reasons, the Government consider that all Agency matters should still either be dealt with in Judicial, or that the drafts should be countersigned by the Chief Secretary. But there are many matters, especially since the comparatively recent inclusion in the Godavari Agency of tracts till then administered under the ordinary law, which can with great advantage be dealt with in the Revenue Department, and the following rules on the subject will, accordingly, be laid down, viz.—

- (1) Whenever the Revenue Department decides a question affecting the Agency tracts, it shall obtain the counter-initials of the Chief Secretary.
- (2) Whenever any case involves the question whether any law is, or is not, in force in the Agency tracts, the question shall be referred to the Judicial Department for decision.
- (3) Subject to these conditions, questions regarding the administration of the various branches of the Revenue, such as Land Revenue, Salt, Abkari, Opium, Forests, &c., Survey, Settlement, Inams and Succession to village offices, relating to the Agency tracts, shall be dealt with in the Revenue Department.

2. In connection with the foregoing papers, which were transferred by Revenue Department endorsements, Nos. 3071 and 3022, dated 28th May and 5th July 1888, the question may arise whether Regulation VI of 1831 is in force in the scheduled portions of the Yernagudem taluk of Godavari, while in connection with that transferred under Revenue Department endorsement, No. 3070, dated 23rd May 1888, a similar question may arise in regard to the Agency tracts of Vizagapatam, and under the rules above laid down, these questions have to be disposed of in the Judicial Department. As regards the first case—that of the scheduled portions of Yernagudem—there is no doubt that the Regulation is in force. The case of the Vizagapatam Agency is different. The Agent expresses a confident opinion that the Regulation is not in force there. This opinion probably represents the tradition of Agency officers and the practice pursued since Act 24 of 1839 was passed, and the Government consider it inexpedient to interfere with this tradition and practice, and are also disposed to think that the Agent's opinion is correct.

3. The Revenue Department will, accordingly, be informed that Regulation VI of 1831 is not in force in the Agency tracts of Vizagapatam, though it is in the scheduled portions of the Yernagudem taluk. Attention will, however, be directed to Rule XXIX of the Agency rules. With these remarks, the petitions in question will be transferred to the Revenue Department to be disposed of on their merits.

(True Extract.)

Ag. Chief Secretary.

To the Revenue Department, with petitions returned.

Gobt. of (1888) Madr.
JUDICIAL.

Issued.

Read.

Encl.

G.O., 13th Sept. 1888, No. 1956.

SEPTEMBER.

Agency Tracts.

Passing orders regarding the department in which revenue questions affecting the — are to be dealt with.

REVENUE DEPARTMENT.

No. 2797.

From

Hanumantha Rao

Vezaga-pattan

Recd. No. 3070.

Transferred to the

Judicial Department

Madras

Secretary to Govt.

Subsidiary

28 May 1888

Dated 12

Received 21

Enclosures 2.

3 April

CHIEF SECRETARY
7 JUN 1888
GOVERNMENT OF MADRAS

No.

SUBJECT.

Chau

of Village

Chidambaram

The Judicial Dept.

order

Para 2 Petn Rules.

The appeal should have been to the Board

2476
CURRENT NO.

Inv. No. 3071.

Transferred to
the Judicial Department.

Reddickhies

Secretary to Govt.

Colacammund
28th May 1888. 3.

The Judicial Dept.

Judicial (1888.) sent
REVENUE DEPARTMENT.

No. 2882.

CURRENT NO. 2476

From

D. Hanumanthamma.
by her father & guardian
Th. Venkatarammiah of
Gubala V. Gernagale
Tq. Gadamer

Dated 17th 3 April 1888
Received 25th 3
Enclosures 765

No.

CHIEF SECRETARY
7 JUN 28
OFFICE OF THE SECRETARY
GOVERNMENT OF MADRAS

SUBJECT.

Claiming Carnam
office.

Inv. No.

31/10/88

Journal 1888: 2 Sept
REVENUE DEPARTMENT.

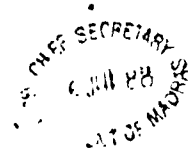
No. 4141.

Not No. 3722-

From

C. Lachamma

Gadaway St.



Dated 7 " 3 June 1888.
Received 20 " 16 July.
Enclosures

No.

SUBJECT.

Saying that her
own name may be ap-
-pointed to discharge the
duties on her behalf, of
the Curatorship of
Sarkhagudam & Palack
Rajinarama villages in
the Gadaway St.

End.

To the Judicial Dept.

Transferred
to the Judicial Dept.
By Order of
H. Stuart,
Under Secretary

20 June 1888
" July 1888



4th July 1888

REVENUE SECRETARIAT.

No. 4141

OFFICE NOTE.

Station Calcutta date 28.6.1888.

From The Secy. to Govt. R.D.

To The Chief Secretary to Govt.
Ref. office note 326 June 1888

The undersigned has the honor to
point out that all papers relating
to the Agency Tracts should in the
first place be considered in the
Judicial Dept. and that the
Revenue Dept. has no authority to
deal with such papers until
they are formally transferred to it.
As regards the two Petns. under no.
the undersigned has the honor
to observe that they are not ap-
peals under Reg. VI of 1851, for
the Petn. of D. Kemeswaramma
is an appeal from an Execu-
tive order only, while in the
other case the Agent in Nagap-
pattam states that Reg. VI of 1851
is not in force in the Agency Tracts.
This last question seems one for con-
sideration and orders in the Judl.
Dept. If the Agent's view is cor-
rect, it would explain why no
precedent for the transfer of an
appeal under the Regulation can
be traced. The undersigned has
not thought it necessary to cause
a search to be made but he

Judicial DEPARTMENT.

O.N.

From

Rene. Sept-

No. 63

Dated 28th June } 1888
Received 3rd July }

Enclosures

SUBJECT

Returning C Nos.
2496 + ~~2495~~ with the remark
that it should be dealt
with, in the first in-
stance, in the Judicial
Dept.

From

As is held by the Judicial DEPARTMENT.
C. Nos 2495, 2496, 2845 & 3103
FOR ORDERS.

The first two circuits, 2495 & 2496, were
orig. rec. in the Rev. Dept. but transferred
to the Jud. Dept. by Rev. Dept. Endorsements
3070-71, dated 28 May 88. By Miss G.N.
26 June 88, No. 1400, they were returned to
the R.D. with the suggestion that they
should be dealt with there but this
suggestion was not accepted, the papers
being re-transferred to Jud. in R.D. office
Note dated 28 June 88.

It is submitted that the question whether
these papers should be disposed of in Jud.
or Revenue is not a mere difference of
opinion as to routine, but is of some impor-
tance.

The Rev. Secy. of Revenue states that all
papers relating to the Agency Tracts
should in the first place, be considered in
the J.D. as the R.D. has no authority to
deal with such papers until they are
formally transferred to it. No au-
thority for these statements are quoted,
it is submitted in the first place
that they are contradicted by actual
practice, as exemplified in the orders
of various dates & subjects, all referring
to the Agency tracts, noted in the margin.
But if the statements made in the
Rev. Dept. Office Note were admitted
to be accurate, it is submitted

Ep. 25 July 1884. No 885 Rev.
15 Sept. 84. No 1034 Rev. } in file
29 Jan. 85. No 122 Rev.
18 May 85. No 580 Rev.
16 June 86. No 491 Rev.
21 Oct. 86. No 914 Rev.
15 Mch. 88. No 221 Rev.

can. reflect no case of petition
similar to these having been
- recd. of in this Dept.

Frederick
Secy. to Govt

that the practice stated is inconvenient & should be altered. The administration of the Land Revenue, Salt & Abkari, Forests, succession to Village offices, & village establishments are questions ~~on~~ which the Govt. have always dealt with in a distinct "Revenue Dept"; a distinct policy with regard to these questions presumably exists; & it is obviously desirable that the same policy should, as far as possible be applied to the whole of the districts under this Govt. If however the Jutl Dept is going to deal with Forests, or Village officers on one side of the Agency Boundary, & the Rev Dept with the same subjects on the other side, no security for similar treatment of identical questions exists. Moreover on smaller but equally forcible grounds it is not desirable to have 2 depts dealing with the same subject. The Reference ~~pts~~ of the Rev. Secy & of the Chief Secy are, & must be, distinct. ~~There~~ is not only delay but difficulty in getting from the Rev Dept the papers necessary for disposing of a revenue question: some ruling is most likely to be overlooked and it may be added that the knowledge of the subject ~~in~~ the office on the Rev. side ~~possees~~, is not always to be found on the Jutl side. It is submitted, for these reasons, as

i.e. in settling such matters as the claims of Bissayes, recently referred to in the review of the Ganjam Agency Rept, sanads of hill miltadars in Gudem, or other questions having a political, rather than a revenue bearing.

I doubt whether the order should have been framed in the R.D.

was stated in Jutl G.O. 26 June 88, N^o 1400 - that - "it is inadvisable that Jutl sh^d interfere, more than ^{absolutely} necessary, in Rev: matters, even tho' appertaining to the Agency tracts." The principle that Revenue cannot deal with such matters is proved from the instances quoted above to be contradicted by previous usage. Even such a question as whether Reg. VI of 1831 is in force in the Agency tracts is one w^h the R.D. is quite competent to settle. See G.O. 18 May 85 N^o 580 Rev. tho' an opinion on the point can easily be given by Jutl, if desired. Finally it is submitted that the Rev. Dept. should deal with all Rev: matters ^{revenue} wherever arising, & if Jutl, in the Agency Reports, has to trench at all on Rev: questions, that the drafts should be sent to the Rev. Secy to Govt for counter initials.

Alp.
8 Aug.

The whole of the present ~~papers~~ ^{papers} to Administrative questions on Revenue Board. The papers which gave rise to the discussion from which this M^o has arisen allude to "Revenue matters" and I still incline to think that these should be dealt with in the Jutl Dept. If the Rev. Dept is to dispose of ~~gratuitous~~ ^{gratuitous} claims to be appointed to Village Offices it follows that they should also be entitled to take dismissals from those posts for the ~~former~~ ^{former} of appointing carries with it the ~~dismissal~~ ^{dismissal}. Then too if the Rev. Dept is to deal with Village Officers why should not dealing with the Revenue & Staff in the Agency Tracts be also in their

I enclose herewith, letters from
applied to me by the first dept. and
to which all matters concerning
them are referred.

The

[illegible]

FOR ORDERS.

I spent one day dealing with Agency matters
 and sent out a number of letters from the school.
 The letters were all very close to the main ad-
 ministrative interest in the school. The letters
 were all very close to the main administrative
 interest in the school. The letters were all very
 close to the main administrative interest in the
 school. The letters were all very close to the
 main administrative interest in the school.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

PPH
12 Aug

village office
of civil justice
the ' it alter
jason to ad
the nature
Besides the
Collector &
connection
intendence
I agree to

I agree to the proposals in this letter
T.H.
22 Aug

First, as regards the Vizing Agency, Reg. VI of 1831 has no local extent clause, would, therefore, extend to the whole Presidency on the passing of it. Since then, there have been 2 deregulationizing Acts. Sec. 2 - Act ~~XKN~~ / 1839 suspends the operation of the Agency tracts - "of the rules for the administration of civil & criminal ^{regulations} rules, as well as those for the collection of the revenue". Does Reg. VI / 31 come within those words? The question is not clear, but as the Reg. expressly deals with "emoluments derived from land, fees etc" annexed to officers in the Revenue & Police Departments, it

seems the better opinion to hold that the operation
was suspended by Act XXIV/37; & to inform the
Rev. Dept accordingly, at the same time drawing
attention to Rule XXIX, of the Agency Rules.
If it were held that the Act of 1839 did not
affect the Reg. of 1831, the other deragulating
Act, XII of 1874, would not affect the matter
for the reasons given in para. 8 of Mr Carmichael's
Prot. on page 25 of G.O. 2^d July 81 N^o 1307 B.

2nd as regards Yernagudem.

This taluk was scheduled in 1883 (see G.O. 20th
July 83 N^o 1908 Part I) in accordance with a
suggestion made at para. 39 of Mr Carmichael's
Memorandum of the 1st November 1881. Previous to
that event it had always formed part of
the Madras Presid. Districts. Reg. II/1831 had
undoubtedly been in force in the taluk. In 1883
the Sec^y of State made the Resolution in Council
requisite under Act I, Act XIV/74, and so brought
parts of the Yernagudem taluk within the
definition of "Scheduled Districts". But it does
not appear that this in any way affected the
operation of any Acts hitherto in force, nor does
Act II/74 apply to Yernagudem. Even if it did,
for the reason quoted above, Reg II/31 would
continue in force. Therefore the R.D. may be
informed that Reg II/31 is in force in the
scheduled portions of Yernagudem.

*part only is scheduled

The R.D. will then deal with the petitions on
their merits, obtaining the Chief Sec^y's
sanction to the draft.

all
16 Aug

FOR ORDERS.

Hon W. Hutchins C.S.D.
Hon W. Stokes.

7. 20.

REVENUE SECRETARIAT.

OFFICE NOTE.

Station *Cotacundo* *8 Sept* 1888

From

The Secretary to Govt. R.S.

To

The Chief Secretary.

*Referring Draft G.O.
on Crs: 2495, 2496, 2875 & 3103 Judicial.*

It appears to the undersigned that the terms of clause (3), para 1 of the draft should be made sufficiently wide to embrace all Revenue subjects accordingly, it is suggested that the clause may be altered to the following:-

"Subject to these conditions; questions regarding the administration of the various branches of the Revenue, such as Land Revenue, Salt, Alkali, Opium, Forests, Survey, Settlement, Income, & succession to village offices relating to the Agency tracts, shall be dealt with in the Revenue Department."

The undersigned has the honor to point out that the two petitions relating

to the Godavari District
are appeals from ex-
isting orders and not
from decisions under
Regulation VI of 1831. Our
decision only relates to
the appointment of a
jamaadar. It is therefore
not strictly correct to say
that these petitions raise
the question whether Reg-
ulation VI of 1831 is in for-
ce in the Scheduled ports
of the Veravalur Taluk
of Godavari.

Secretary to Govt.

[2]



Jud. Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers.

2495, 2496, 2845 + 3103.

13 Sept 1884 No 1955
Order. 29 August 1884 No 1528

The practice of dealing with matters
affecting the Agency tracts in the Judicial
dept. is an old one, & probably arose from
the fact that the main administrative work
in those regions has always been the preser-
vation of the peace. It is, moreover, desirable
that the question of the applicability of
law to the Agency tracts, such as has frequently
arisen, should be considered in the Judicial
dept. & for these reasons the Govt. considers that
all matters should still be dealt with in
Jud. or come to be signed by the Chief Secy. But
there are many matters, esp. since the
comparatively recent inclusion in the
Godavari Agency of tracts till then administered
under the ordinary law, which can with great
advantage be dealt with in the Rev. Dep.
The following rules on the subject will
accordingly be laid down - viz:

ident opinion that the Reg^d is not in force
there. This opinion probably represents the
tradition of Agency officers & the practice
pursued since Act 24 of 1839 was passed.
The Govt. consider it inexpedient to interfere
with this tradition of practice, & ^{also} are dis-
posed to think that the Agent's opinion is
correct. The Rev. Dept. will, accordingly, be
informed that Reg. II of 1831 is not in force
in the Agency tracts of Vizag^m, tho' it is in
the scheduled portions of the Gernagudem-
taluk. Attention will, however, be directed
to Rule ~~xxx~~ of the Agency Rules. With
remarks the Petitions in question will be
transferred to the Rev. Dept. to be disp^d
on their merits.

From orders.
28 Aug^t ML
27 Aug^t

The Rev. Dept. ^{desp^d 18/9/88}
with Secy. ^{11/10}
10 SC. sent to ^{9/10}

13/9

(1) whenever the Rev. Dept. decides a
question affecting the Agency tracts it
shall obtain the counter initials
of the Chief Sec^y

(2) whenever any case involves the ques-
tion whether any law is or is not in force
in the Agency tracts, the question shall
be referred to the ^{the} Govt. Dept. for decision.

subject to these conditions, ^{Questions}
^{regarding Opium, Salt, Abkari, Forest, &c.}
Settlement, & Succession to Village Offices,
relating to the Agency tracts, shall be
dealt with by the Rev. Dept.

^{which were}
Of the ^{going} papers, ^{transferred}
by Rev. Dept. Endorsements, nos. 3071 & 3922.

dated 29 May & 5 July 88, ^{raise} the question
whether Reg^d II of 1831 is in force in the

scheduled portions of the Gernagudem
Taluk of Godavari, while that transferred
under Rev. Dept. Endorsement no. 3070, dated

28 May 88 raises a similar question in
regard to the Agency tracts of Vizag^m.

Under the rules above laid down these
questions will have to be disposed of in
the Govt. Dept. As regards the first case,
that of the Scheduled portions of Gernagudem,
there is no doubt that the Reg^d
is in force. The case of the Vizag^m Agency
different. The Agent expresses a con-

No. 109

4401



OFFICE NOTE.

Station *Chittamund* date *3 October 1888*.From *The Secretary to Govt, R.*To *The Chief Secretary to Govt, R.*

With reference to G.O. 13 Sept 1888, No 1956 Indl, the undersigned has the honor to suggest that Rule XXXI of the Ganjam and Vizagapatam Agency Rules & Rule XL of those for the Godavari Agency should be modified, as under the order above quoted first appeals from orders passed by the Agents on Revenue matters should be presented to the Board of Revenue or other controlling authority. Perhaps the simplest course would be to cancel the Rules in question.

Belmont
Secretary to Govt, R.

G.O. amended in the sense suggested by the Secy to Govt. R.D. is returned for favour of counterinitials.

ALP
12 Sept 1888

Honble Mr Stokes

Am.

For orders.

The ref. to Rule XV of the Godavari Rules is
widely a mistake for XVI. See L.P. 1st Dec.
85 No 3266 Tnd. For Vizag & Ganjam Rules
see next to Tnd 80. 14 July 81 No 1377.
Submitted that the suggestion of the Rev. Dep.
to cancel the Rules in question may be adopted, as
it does not appear that any such provision is
needed.

Alp. 17 Oct. 1882. L.P. 1st Dec. 85 No 3266 Tnd.
L.P. 14 July 81 No 1377.

19 Oct.



OFFICE NOTE.

8710/11/86

From

THE CHIEF SECRETARY,

To

The Secretary to Govt. R.D.

With reference to my

Office Note of 3rd Oct 1882

(The undersigned has the honour to

No 109 ~~forward~~ forward

of the Sect. to Govt. R.D.)
in form a copy

of the Note therein by the

of the

notes recorded by the Honble
Members on the matter in question.

Alp.
3 Nov.

Note. Fair for C.S.'s signature
See that the copy shows that
Hon Mr Stokes has concurred with
the Hon Mr. Hutchins & has
initialed. This dispenses of Mr C.S.
Alp.

Jud. DEPARTMENT

Office Note

From

The Revenue Dept.

No. 109

Dated 3d }
Received 10th } Oct / 88

Enclosures

SUBJECT.

Suggesting that
Rule xxxi of the Ganjam and
viz agra hani Agency Rules
and Rule xv of these for
the Godavari Agency may be
modified or cancelled.

11/11/88

Honble Mr. Stokes

Am.

For orders.

The ref. to Rule XV of the Godavari Rules is
widely a mistake for XVI. See L.P. 1st Dec.
85 N° 3266 Ind. For Vizag & Ganjam Rules
see next to Ind. 80. 14 July 81 N° 1377.

Submitted that the suggestion of the Rev. Dep.
to cancel the Rules in question may be adopted, as
it does not appear that any such provision is
needed.

Alp. 11th in Rule XXVI, in this. In previous

17 Oct. Ind. 4 in XVI.

Sl

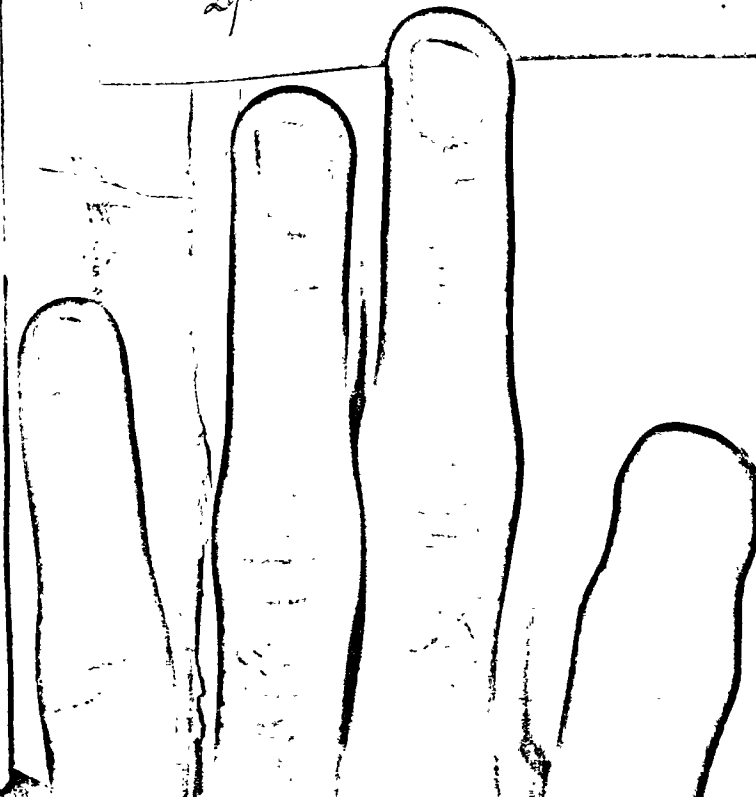
19 Oct.

NOTE FOR THE CHIEF SECRETARY.

I am not quite sure what had
been done with this. Perhaps
you could show it to Mr. Galton &
the papers could then be lodged. If
not, I will put up an office Note.

Alp.
25 Oct.

Office draft.
Alp.
29 Oct.



District

Taluk

23/8/89
19/4/00

7/10/03 (Rev.)

7-1-08 ✓
29-4-09

21-7-11 ✓

2-31/5/12

19-5-14 ✓

17-2-15 BT ✓

13-6-17

31-7-17

14-2-18

8-4-21

18-5-26 ✓

13-9-18 ✓

16-7-49 ✓

ORDINARY, PRINTED.

Inc. 1
O. 1110 13 Sept 98.
No. 1956

Copy sent to Press.

ed for signature.

led in print.

9-10.

9-10.



[Despatch Abstract]

Agency Tracts - Passing
this regarding the depart-
ment in which Revenue
actions affecting the Agency
are to be dealt with.