

Legislative (1899) Department.

ORDINARY MS.

G.O., No. 74

DATED 23-6-99 ✓

INDEXED. 8/8

[Despatch Abstract.]

Stating that the question of issuing a revised Edition of the Madras Code will be considered after the Local Boards Bill & the Malabar Compensation for Tenants' Improvements Bill are passed into Law.

BACK PAPERS.

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

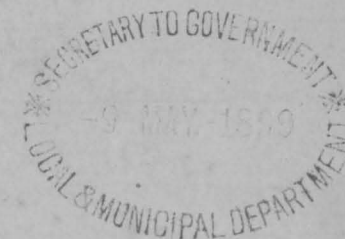
FURTHER PAPERS.

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78-79	21-11-00						
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LEGISLATIVE
Revenue (1899) Department.

CURRENT No. 136

*Please put up the
papers of 1896 & 1897
about a Land Revenue Code*
RS
31-5-99



From

The Board of Revenue, Land
Revenue, Madras.

Order No. 74 d/28-6-99

The question of issuing a revised
edition of the Madras Code will be considered
after the bills to amend the Madras Local
Boards Act I of 1884 and to secure to tenants
in the Malabar Dist. compensation for
improvements are passed into law.

/ From orders/

alg
20/6/99

606
21.6.99

No. 1472 Misc.

Dated 6th May 1899

Received

Registered

11-5-99

Enclosures

Spare copies

SUBJECT.

Inquiring ~~xxx~~ whether any steps
are being taken by Government to ---
issue a revised edition of the Mad-
ras Code.

note

With reference to Hui's query it is submitted
that the Madras Code is a publication of the Govt
of India and that it has to be revised throughout
to date by that Govt. Please see paras 1 & 2
of the note for orders.

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alg
19/6/99
The Board of Rev.

606

21.6

alg
21/6/99

BACK PAPERS.

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FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 136

2,000
22-2-99.



Proceedings of the Board of Revenue

(Land Revenue).

No.1472 Misc.Dated 6th May 1899.

Resolution

The Board begs leave to inquire whether any steps are being taken to issue a revised edition of the Madras Code. The present volume is more than ten years old and the last decade has brought about material alterations and additions to the legislative enactments in force in Madras, which might with much advantage be republished in a revised and complete edition.

2. The Board has ascertained from the Superintendent of the Government Press that the cost of a new edition of six or seven hundred copies would amount to some Rs.2500 or about Rs.3-8-0 a copy.

/True Extract/

L. Swamikannu

Ag. Secretary.

To the Secretary to Government, Legislative Department.

Q.B.

SA

189 .
Board of Revenue
(Land Revenue),
MADRAS.

Subject.

[E.]
3
200-11-1-09.

C. No. 136.

SUBJECT.

Revised edition of the Madras Code.

FOR ORDERS.

Forwarded to Rev Dept for
form of Remarks

Jm
22-4-99.

Rev Dept no.

In 1896, the Under Secretary to Government Legislative Department suggested that the list of rules and notifications having the force of law might be brought up to date by incorporating in the original volume the four Supplements issued after its publication and that this duty might be assigned to an officer placed on special duty. He also suggested that in case it was thought that the above work would not afford sufficient occupation for an officer he might also be entrusted with the task of bringing up to date the Madras Code which was published so long ago as 1888. In regard to the latter suggestion the Chief Secretary observed that although a new Madras Code was very much wanted, it was the Government of India that compiled & published the Codes, and that that Government would not allow the Local Government to bring out its own Code. vide pages 6, 7 & 10 of letter in L.P. No. 24 Dep. dt 20-4-1898.

2. His Excellency the Governor then desired that the Government of India should be requested to arrange for the preparation of a new Code.

Page 1 of 2
24 Sep
10-4-98

Governor, the office was directed to put up a memo summarizing the previous discussion on the subject together with the original papers and that the Revenue First Assistant was about to prepare a note in accordance with H.E.'s instructions.

The proposal to publish a revised edition of the Madras Code was then held in abeyance.

3. The Board of Revenue now desires to know whether any steps are being taken to issue this revised edition.

It is submitted that the Revenue Department may in the first instance be asked to state what action is being taken on the proposal to consolidate the Revenue Regulations & Acts. If there is no prospect of the Consolidated Acts and Regulations being issued in the near future, it is for consideration whether the application to the Government of India for a revised edition of the Madras Code should be postponed any longer. There are however two important measures still before the local legislative Council viz the amendment of the Local Board Act and the Madras Land Bill

Presumably the Local Board Bill will become law next session - But the Land Bill is not likely to become law for two years more -

Mp
22.12.99

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Pages 2+3 of the note info. 24 Dec: 20-4-98

Page 4 of do

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tion of a new edition. Sir Henry Bliss and the late Honble Mr Grose, however, recorded the following notes on this proposal: -

Sir Henry Bliss "As to the revision of the Madras Code, I would ^{not} ask India to undertake it at present. In the first place, our revision of the Municipal and Local Board Acts should be completed before this is done. In the second, there is the Honble Mr Grose's proposal, in which I (I think) H.E. the late Governor, concurred, that an officer should be placed on special duty to undertake the consolidation of a portion of our old revenue law. What has become of the notes on the subject? They should be looked up. If we undertake to revise and consolidate the old regulations, the work of the issue of a publication of the Madras Code had better stand over until our work is done"

Honble Mr Grose "As regards the Madras Code, I agree with the Honble Mr Bliss. Some of the most important Acts will soon be repealed or amended and new Acts substituted for them. I should like to know what has become of my proposals about consolidation of Revenue Regulations and Acts, and the notes thereon."

With reference to the concluding portion of H.M.'s remarks, it was stated that when the Honble Mr Grose is regarding the Revenue Regulations to the late Governor

to the Secretary.

Please see legislative dept. note above re the matter of taking steps to issue a new edition of the Madras Code. The Leg. Dept. enquires what action is being taken in the Rev. Dept. on the proposal to consolidate the Revenue Regulations and Acts relating to the Madras Presidency.

2. As stated in the extract on page 2 supra, the proposal at Codification emanated from the late Honble Mr. Cross, and in letter No. 61 Rev. 31.1.98 application was made to the Govt. of India for sanction for the retention of the late Mr. Ross on special duty for a further period of two years for work in connection with

A para 5 & 6

(a) the revision of the General and the Malabar Tenancy Bills; and
(b) the Codification of the Revenue Laws of the Presidency.

The Govt. of India however extended Mr. Ross's deputation on special duty only up to September 1898; but Mr. Ross died on 14th May, and Mr. Crake was appointed in his stead; and in soliciting the sanction of the Govt. of India

10
No. 2347-48 C
2. 6-98

in No. 3327 E
12.8.98

India to the measure, that Govt. was informed that was improbable that the Tenancy legislation would be completed by 30 September, but that before making any proposal for a further extension of the term of special duty on this ground and in order to provide for the other matters referred to in Mr. Forster's letter No. 61 of 31.1.98, the Govt. would await the Govt. of India's reply to that letter.

3. The views of the Govt. of India in the matter of the deputation of an officer for the work of Rev. Law Codification will be found in para 3 of its letter No. 1338-79-9 of 7.7.98 and are extracted below.—

"As regards the preparation of a Revenue Code for Madras, the information before the Govt. of India does not satisfy them that the work is of sufficient urgency to justify the proposed expenditure. The necessary legal powers for survey, the settlement of boundary disputes and the preparation of a record of rights, for the collection of cesses, and for the appointment and remuneration of and

Control

Control of Village Officers are all provided by existing Acts; while the Law of Landlord and Tenant in Madras ~~is already~~ is already being separately dealt with. In the absence of further information as to the inconvenience which may have been experienced from the want of a Revenue Code, the Governor-General in Council is not prepared to recommend to the Secretary of State the employment for two years upon its preparation of an Officer of the Standing of a Member of the Board of Revenue. When the letter went in circulation, the Hon. Mr. Arnold noted: "The letter may be recorded. If which is unlikely - a reply becomes necessary on receipt of India's reply to our letter in Co. 3220 3.8.98. The matter can be taken up again." The reply to this letter in which the ~~Secretary~~ necessity for the deputation of Mr. Cole as special duty was urged upon the Govt of India, will be found in the marginally noted correspondence. There is no reference in this correspondence to

E Note of 9.8.98.
in Co. 3227
12.8.98

J

Co. 634-35 of 2.11.98 R
Co. 684 of 18.11.98 N
Co. 189 of 12.1.99 K
Co. 1053 of 11.3.99 J
except the statement in para 4 of India's dispatch to the Govt of India of 6.10.98 T

to the question of the deputation of an officer to codify the Revenue Law of Madras, and no further action appears to have been taken by Govt in the matter.

4. There seems therefore no need to postpone the issue of a revised edition of the Madras Code on the ground that the Codification of the Revenue Law of the Presidency is under consideration; but it seems desirable to postpone the reissue of the Code till the pending legislative measures become law: eg. the Land Bill, the Court of Wards Bill, and the Local Boards Act Amendment & the Rev. Revenue Act Amendment Bill. ~~Bill, becomes~~ The Land Bill

Certainly it seems unnecessary to wait for the Codification of Madras Laws - that is not likely to be carried out just now. The Local B. Bill will probably become law as it could not be otherwise - but this being doubtful whether there is any chance of the Court of Wards Bill or the Tenancy Bill becoming law for some time to come. Considering the inconvenience of the existing state of affairs following, if possible, Code, submitted that the Govt of India might be pleased to bring out a new edition.

is now under reference to Colles who have been instructed to obtain official and non-official opinions ~~on the matter~~ on the Bill and to submit their remarks to the Board of Rev. by 15th June 1898. The Board has been asked to submit a consolidated report by 15th July following. ~~the~~ ~~bill~~ ~~no.~~ ~~16.6.99~~ ~~16.6.99~~

I don't understand the position. The Bd of Rev. contemplates a reprint of the Code by the Supt. of the Govt Press. Mr Secy. proposes to press the Govt. of India for a new edition. Whose duty is it?

In any case it will be well to wait for the amending L. Bd's Act, & possibly the Malabar Bill. The amendment of Act VII of 1865 ^{will probably} ~~should~~ soon be effected.

Act 76699.

III

When given for copying 25/6
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When signed

READ AGAIN G.O., No. 189, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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