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MADRAS RECORD OFFICE

Government of Madras

DEPARTMENT

G.O. No.	524	Press
B.P. No.		Mis.
Dated	1-8-	1888 195

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from the Honorable J. H. SPRING-BRANSON, Acting Advocate-General, to the Secretary to Government, Revenue Department, dated Madras, 20th July 1888 :—

With reference to the order of Government, dated the 18th June 1888, No. 426, I have the honor to forward herewith my opinion on the questions raised therein, and to return the draft notification sent therewith.

ENCLOSURE.

In the matter of the draft Notification under Madras Act I of 1883, referred to in the Proceedings of the Board of Revenue (Land Revenue), dated 17th March 1888, Mis. No. 1797—

OPINION.

1. According to section 23 of Regulation I of 1803, no Member of the Board can individually exercise any authority except in the discharge of some specific duty committed to him by the Board in order to secure the "despatch of business."

2. Section 1 of Madras Act II of 1883 gives the Board power "from time to time to distribute their business among their members." Upon such distribution, only the member to whom a specific duty is given can individually exercise authority in respect thereof. A transfer of the duties of one member to another amounts to a redistribution. The effect of such redistribution would be to exclude thereafter the individual exercise of any authority in regard to such duties by the member relieved of them. The object of the draft notification is, as I understand it, to avoid such a result. The main question raised is—Is the notification legal?

3. Section 1 of Madras Act II of 1883 requires a specific apportionment of business by the Full Board with the previous sanction of Government.

Paragraph (1) of the notification does not comply with the section, but purports to give one member power to assume an authority with regard to business not vested in him by the Board whenever, in his opinion, that business is urgent.

Paragraph (2) of the notification seems to be unnecessary as section 7 of the Regulation apparently suffices to meet the case of absence of members.

4. In my opinion the draft notification is not within the powers of the Board, and therefore is illegal.

5. The second matter referred to me is "as to the propriety of declaring in any specific notification regarding the arrangement of business that, during the absence of a particular member, such and such of his subjects may be disposed of either at Madras by some other particular member or by himself during his tour." I think that such a specific notification is within the powers of the Board under the Act, and will get over the difficulty pointed out by the Board.

MADRAS,
20th July 1888.

(Signed) J. H. SPRING-BRANSON,
Acting Advocate-General.

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1st AUGUST 1888, No. 524, REVENUE.

ORDER—dated 1st August 1888, No. 524, Revenue.

Miscellaneous.

Communicated to the Board of Revenue. A draft notification embodying the provision which the Advocate-General declares at the conclusion of his opinion to be legal, should be submitted for the consideration of Government.

(True Extract.)

(Signed) C. A. GALTON,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.

Copy to the Commissioner of Revenue Settlement, Land Records and Agriculture.
„ „ the Commissioner of Separate Revenue.

Exd. P. L. Pereira.

60 Copies.

Govt. of (1888) Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 1st August 1888, No. 524.

AUGUST.

Conduct of business by the Members
of the Board of Revenue.

Communicating to the Board, with instruction, opinion of the Advocate-General on the draft notification regarding —.

Out