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Public DEPARTMENT.

G.O., DATED 31-10-94

No. 819.

401

13

C.S.

to the

First copy sent to Press. 31-10-94

Returned for signature. 5-11-94

Despatched in print.

[Despatch Abstract.]

Jaga Rao Observatory:

Comg. to certain officers
letter from the Govt. of India
intimating its decision to accept
the transfer to Govt. of the — at
Vizagapatam.

FURTHER PAPER, No. 197-98 OF 18
16-3-95

No. $\frac{4086}{13}$

FROM

DENZIL IBBETSON, Esq., C.S.,
Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT
OF MADRAS.

Dept. of Rev. & Agri.
Meteorological.

Simla, the 25th September 1894.

SIR,

IN continuation of the correspondence ending with the letter from this Department No. 1644, dated 25th May 1893, I am directed to address you in regard to the proposed transfer to Government of the Jugga Rao Observatory at Vizagapatam.

2. In the letter quoted above, it was stated that the Government of India intended to defer action in the matter until they learned the result of the suit instituted by Mrs. Nursing Rao against her son for confirmation of the deed transferring the trust of the Observatory to the Government of India. The decision of the High Court, Madras, on appeal from the decision of the Subordinate Judge of Vizagapatam in that suit, was to the effect that Mrs. Nursing Rao has no *locus standi* in the matter and that the Government of India is the only party which could now take action on the deed in question.

3. That deed was executed jointly by Mrs. Nursing Rao and her son, and it transferred to the Government of India the legal interest in the Jugga Rao Observatory with its endowment of three lakhs of rupees. Subsequently to its execution, the son desired to revoke his consent to the transfer, urging that he had given it under compulsion. There is no doubt that Mr. A. V. Jugga Rao executed the deed, and further that on the same day he wrote a letter to the District Registrar, requesting him to come and register the said deed. The deed was registered on the 16th May 1892, and the theory of coercion or undue influence was not started until December 1893. There appears therefore to be but small chance of the son's succeeding in getting the deed set aside and, in any case, Mrs. Nursing Rao has given ample guarantee against any pecuniary liability that might result from any such proceedings on his part.

Not
How do they know
this number
from Mr. R. R.
Bahil at Simla
a

ENCLOSURES.

CURRENT No.

STATEMENT WITH INFO.

ORDER, No., OF GOVERNMENT - A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL
(not paged).

NUMBER OF COPIES
REQUIRED. { Order complete. 30.
Letter only.
Order complete with Letter.

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

1894.

File No. 13.
Serial No. 11.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

METEOROLOGICAL.

To

THE CHIEF SECRETARY TO THE GOVERNMENT
OF MADRAS.

4. Mr. Nursing Rao's death has rendered it impossible that there should be other sons to share the heirship, but it has been suggested that in case of the son Jugga Rao's death during his mother's lifetime the next heir might avoid the transfer. If, however, the original founder's will was sufficient to create this trust, as the Advocate General of Madras advised in January 1891, the property was his absolutely, and his daughter is only fulfilling her duty in changing the implied trust into an express one. The possibility of a Court of law deciding that the trust was never duly established has not been overlooked; but a decision to that effect seems unlikely. Moreover, it seems equally unlikely either that the son Jugga Rao should die during his mother's lifetime, or, if that should happen, that the next heir would think it worth his while to embark on litigation against the Government on the chance of having the declaration of the trust declared invalid. The probability that these three contingencies will occur in conjunction is so remote that the Government of India are prepared to disregard the risk.

5. Another objection that has been brought forward against the acceptance of the trust is that in the event of the son succeeding in getting the deed of transfer set aside, he may refuse to take over the Observatory, the Government being thus saddled with it, without the means of maintaining it. This objection does not appear to be sound. The transfer is either good or bad; if good, it secures the endowment; if bad, the Observatory as well as the endowment will be recovered.

6. The management of the Observatory by the Government is likely to be of great public advantage, and the risks involved in accepting the transfer, which have been discussed above, do not appear so great as to preclude its acceptance. The matter is by no means free from difficulties; but it has received the careful consideration of the Government of India, and I am to inform you that they have finally decided that the trust should be accepted. The necessary steps for giving effect to the transfer will be taken by the Meteorological Reporter to the Government of India in communication with the Solicitor to Government and Mrs. Nursing Rao's agents. A scheme will be drawn up for the administration of the property, and the endowment will be vested in the Treasurer of Charitable Endowments for the Madras Presidency under the provisions of the Charitable Endowments Act, VI of 1890.

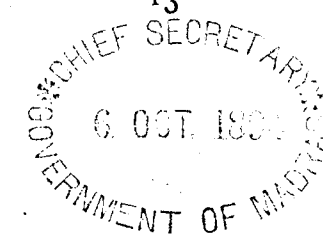
I have the honour to be,

SIR,

Your most obedient Servant,



Of 7. Secretary to the Government of India.


No. 4086/
13


Dated Simla, the 25th September 1894.

SUBJECT:

Acceptance by the Government of the trust of the Jugga Rao Observatory at Vizagapatam.

Public Dept

From

Cus 2883-

The Government of
India
Rev. & Agri. Dept.
(Meteorology)
Simla

No 4086
13.

Dated 25/9 }
Recd 6/10 } 1894
Encl: one S.C.

Subject

Regarding the acceptance
by the Government of the Trust
of the Jagg Rao Observatory
at Vizagapatam.

Not necessary
MM

Mr. A.V. Nursing Rao must also be told
of India's decision, I suppose, though not of
the accompanying remarks MM

W
about

& I will probably be
even more than
I don't think much of this. W. P.
invasions evidently within easy
attainable - MM

18/10/94

be mentioned to the
...
...
...

Submitted for information.

It is presumed that the necessary
action for the transfer of the trust
will be taken by the Govt. of India
by "Solicitor to Govt" in para 6 of the
letter, the Solicitor to the Govt of India
is apparently meant. This point
might perhaps be made clear by a
telegram to the Govt. of India. If
the letter is forwarded merely for
information, the only officers to
whom it need be communicated are
the collector of Vizagapatam, Govt.
Astronomer and the Govt. Solicitor.

It appears to be clear that
the Meteorological Reporter to the
Govt. of India will take the necessary
steps in the first instance, &
this letter need only, it is subd, be
comm'd. to the officers named
above.

The G. of I. has, it is thought,
accepted a White Elephant. Please
see Mr. Pogson's opinion of the
Observatory in his letter on page
2 of G.O. of 21. March 1892 No. 187/8
Public. The G. of I. has seen
this letter & all other correspond-
ence & this Govt. has done
its best to prevent the acceptance
of the trust.

Mr. Nursing Rao will
not be content now till she
gets the title of "Rani".

18/10/94

189

Dept

Recd 21

Jaga Rao Observatory

Hu de vie

Public Order

Read again for $\frac{187-8}{21.3.92}$, $\frac{668-9}{22.9.92}$ & $\frac{444}{7.6.93}$

Aug. 28 93

order : 31st Oct 94, No. 819
P.S.

Comm. to the Collector of Vizag
the Advocate General and the Govt
Astronomer for information

2. Mr. Wolff-Hurway will com
to Mrs. Narsing Rao the decision of
the Govt. of India; the accompanying
remarks should, however, not be
communicated to her

(From orders)

J.S.
31/10/94

Collector, Vizagapatam

Govt. Solicitor

Govt. Astronomer

Recd. in the
of the
6/1

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following papers:—

G.O., dated 21st March 1892, Nos. 187-8, Public.

ABSTRACT.—Directing that copies of correspondence regarding the Jaga Rao Observatory at Vizagapatam be forwarded to the Government of India with reference to the request that the Madras Government will assume charge of the observatory under Act VI of 1890.

G.O., dated 22nd September 1892, Nos. 368-9, Public.

ABSTRACT.—Forwarding to the Government of India further opinion of the Advocate-General regarding the transfer of the Jaga Rao Observatory to the Madras Government with the intimation that His Excellency the Governor in Council continues of opinion that the trust should not be accepted.

G.O., dated 7th June 1893, No. 444, Public.

ABSTRACT.—Communicating to the Collector of Vizagapatam, for intimation to Mrs. Narsing Rao, letter from the Government of India stating that it has been decided not to take any action regarding the transfer of the Jaga Rao Observatory pending the result of the suit instituted.

READ—also the following paper:—

From DENZIL IBBETSON, Esq., C.S., Officiating Secretary to the Government of India (Department of Revenue and Agriculture—Meteorological), to the Chief Secretary to the Government of Madras, dated Simla, the 25th September 1894, No. 4086/13.

In continuation of the correspondence ending with the letter from this department No. 1644, dated 25th May 1893, I am directed to address you in regard to the proposed transfer to Government of the Jaga Rao Observatory at Vizagapatam.

2. In the letter quoted above, it was stated that the Government of India intended to defer action in the matter until they learned the result of the suit instituted by Mrs. Narsing Rao against her son for confirmation of the deed transferring the trust of the observatory to the Government of India. The decision of the High Court, Madras, on appeal from the decision of the Subordinate Judge of Vizagapatam in that suit, was to the effect that Mrs. Narsing Rao has no *locus standi* in the matter and that the Government of India is the only party which could now take action on the deed in question.

3. That deed was executed jointly by Mrs. Narsing Rao and her son and it transferred to the Government of India the legal interest in the Jaga Rao Observatory with its endowment of three lakhs of rupees. Subsequently to its execution, the son desired to revoke his consent to the transfer, urging that he had given it under compulsion. There is no doubt that M. A. V. Jaga Rao executed the deed,

and further that on the same day he wrote a letter to the District Registrar, requesting him to come and register the said deed. The deed was registered on the 16th May 1892 and the theory of coercion or undue influence was not started until December 1892. There appears therefore to be but small chance of the son's succeeding in getting the deed set aside, and, in any case, Mrs. Narsing Rao has given ample guarantee against any pecuniary liability that might result from any such proceedings on his part.

4. Mr. Narsing Rao's death has rendered it impossible that there should be other sons to share the heirship, but it has been suggested that in case of the son Jaga Rao's death during his mother's lifetime the next heir might avoid the transfer. If, however, the original founder's will was sufficient to create this trust, as the Advocate-General of Madras advised in January 1891, the property was his absolutely and his daughter is only fulfilling her duty in changing the implied trust into an express one. The possibility of a court of law deciding that the trust was never duly established has not been overlooked, but a decision to that effect seems unlikely. Moreover, it seems equally unlikely either that the son Jaga Rao should die during his mother's lifetime, or, if that should happen, that the next heir would think it worth his while to embark on litigation against the Government on the chance of having the declaration of the trust declared invalid. The probability that these three contingencies will occur in conjunction is so remote that the Government of India are prepared to disregard the risk.

5. Another objection that has been brought forward against the acceptance of the trust is that, in the event of the son succeeding in getting the deed of transfer set aside, he may refuse to take over the observatory, the Government being thus saddled with it without the means of maintaining it. This objection does not appear to be sound. The transfer is either good or bad; if good, it secures the endowment; if bad, the observatory as well as the endowment will be recovered.

6. The management of the observatory by the Government is likely to be of great public advantage, and the risks involved in accepting the transfer, which have been discussed above, do not appear so great as to preclude its acceptance. The matter is by no means free from difficulties, but it has received the careful consideration of the Government of India, and I am to inform you that they have finally decided that the trust should be accepted. The necessary steps for giving effect to the transfer will be taken by the Meteorological Reporter to the Government of India in communication with the Solicitor to Government and Mrs. Narsing Rao's agents. A scheme will be drawn up for the administration of the property and the endowment will be vested in the Treasurer of Charitable Endowments for the Madras Presidency under the provisions of the Charitable Endowments Act (VI of 1890).

ORDER—dated 31st October 1894, No. 819, Public.

Communicated to the Collector of Vizagapatam, the Advocate-General and the Government Astronomer for information.

2. Mr. Wolfe-Murray will convey to Mrs. Narsing Rao the decision of the Government of India; the accompanying remarks should not, however, be communicated to her.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Collector of Vizagapatam.
„ Government Solicitor.
„ Government Astronomer.

Govt. of {1894} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 31st October 1894, No. 819.

OCTOBER.

Jaga Rao Observatory.

Communicating to certain officers letter from the Government of India intimating its decision to accept the transfer to Government of the — at Vizagapatam.