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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Pres. DEPARTMENT

G.O. No. 155
 B.P. No.

Press
 Mis.

Dated 23. 8. 1963

196 .

Not to be folded or roughly handled

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th August 1873.

Read the following letter from W. S. FOSTER, Esq., Acting Collector of the Godavery District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cocanada, 2nd July 1873, No. 215 :—

THE proprietor of Panakapuram, in the Yernagudem Taluq, has applied to the Head Assistant Collector for a district punchayet under Regulation XII. of 1816, but that officer refused to entertain the application, because the Regulation VII. of 1816, under whose provisions the district punchayet should be assembled, and the punchayetdars should pass their decision, is repealed by Act III. of 1873.

2. Section 6 of Regulation XII. of 1816 requires that the punchayets *shall be assembled* according to the rules prescribed for assembling village (and district) punchayets, and their proceedings shall be conducted according to the general rules contained in Regulations V. (and VII.) of 1816. So long as Regulation XII. of 1816 is unrepealed, I think that the District Munsif is bound to assemble a punchayet. Omitting "and district" and "and Regulation VII.," in Section 6 just quoted, as that Regulation has been repealed, the district punchayets may still be assembled according to the rules prescribed for assembling village punchayets, and their proceedings conducted under Regulation V., as I find Regulation V. of 1816 is the same as VII. *mutatis mutandis*, and more so in its general rules according to which the district punchayets should act. Even were this interpretation not strictly correct, I should think that the punchayets *must* be assembled according to no rules, as it does not follow that a direction of law should be disobeyed if there are no written rules to carry it out. We are then left without rules, and the best judgment is to be used. We have no rules under Regulation VI. of 1831, and the Regulation is not dead.

3. As, however, the idea that these punchayets cannot be any longer assembled has got into an officer's head wrongly or rightly, it is not unlikely that another, say a District Munsif, would entertain the same views; and I therefore request that the Board will move Government either to repeal the Regulation (XII. of 1816), if this was lost sight of, or get the High Court somehow to lay down a rule of practice that the punchayets may be assembled, for the guidance of their subordinate Courts.

THE repeal of Regulation VII. of 1816, abolished district punchayets. It was perhaps overlooked at the time of the repeal that, under Regulation XII. of 1816, Revenue-officers could refer questions to such tribunals; but whether this was so or not, the power ceased when Regulation VII. of 1816 was repealed, and the Board see no reason to regret the fact.

2. District punchayets were never popular or useful, and were only resorted to in a spasmodic way to save the trouble of investigating questions found to be intricate.

3. These Proceedings will be submitted to Government.

(A true copy and Extract.)

J. Grose

Secretary

To the Acting Secretary to Government, Revenue Department.
Copy to the Acting Collector of the Godavery District.

Exd. F. R. Bantleman.

1873.

Board of Revenue,
MADRAS.

PROCEEDINGS, 11TH AUGUST 1873, No. 1,540.

20/11/73
Encl.

Received 10 August 1873

AUGUST.
No. 1,540.

District Panchayats.—Collector of Godavari District informed that power of Revenue-officers to refer questions to — ceased with repeal of Regulation VII. of 1816, abolishing these assemblies, and that this is not to be regretted. Board's Proceedings submitted to Government.

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Decided

250 Aug 29 1873