M.R.O. 1—77,005—8-6-37.

(1) Number of pages 12

(2) Date of repair 8-11-40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 990 — Press / Mis.

Dated 5. 9. 1884.

Not to be folded or roughly handled

Opinion

With reference to the Order of Gov-
-ernment, dated the 26th July 1884, No. 885,
Revenue, relating to Madras Act No. 1 of
1882 and the Notification of Government
published in the Fort Saint George Gazette
of the 1st April 1882, page 201, I think it
is not expedient to take any further step
at present. Act No. 1 of 1882 extends to
such areas within the Presidency of Fort
Saint George as the Governor in Council
may direct (Section 1). This would include
the Scheduled Districts.

The Notification above referred to
brings the Act into operation in the Districts,
amongst others, of Ganjam, Vizagapatam and
Godavari, in which all the Scheduled
Districts, except one, in the Presidency of
Madras, are situated; but the Notification
does not expressly refer to the Scheduled

Districts. It seems to be pro-
bable that the
Officers of the Districts did not interpret
the Notification as being applicable to
the Scheduled Districts, for the letters
from the Collectors of Viza-gapatam and
Godavari and from the Senior Assistant
Collector in charge of Ganjam, to the Sec-
retary to the Board of Revenue, shew that
the Act has not been put in force in
the Agency Tracts (which I take to be
the same as the Scheduled Districts)
under their administration. It further
appears from their communications that
the laws relating to the Salt Revenue
were probably never in force in the
Scheduled Districts, and that it is not
expedient that such laws should be
now put in force therein. And this is,
I understand, the conclusion at which the
Government has arrived.

A question probably arises upon a perusal of the papers sent to me whether the local Legislative Council has power to legislate for the Scheduled Districts within this Presidency. I think it has. Section 42 of the Indian Councils' Act (24 and 25 Vic. ch. 67) authorises it to make laws and regulations for the peace and good government of the Presidency. I see nothing in Act XIV or Act XIV of 1874 (the Scheduled Districts and Local Extent Acts) inconsistent with the exercise of the power. If, however, it should be hereafter determined that the local Legislature has not power to legislate for the Scheduled Districts, any enactment passed by the Local Council may be extended to the Scheduled Districts in manner provided by Section 5 of Act XIV of 1874; but I do not think the existence of this Section operates to prevent legislation by the Local Council.

P. Wallinger
Advocate General.

The 11th August 1874.

Madras 11th August 1884.

From

The Honorable P. O'Sullivan

Advocate General

To

A. E. Stokes Esqre

Secretary to Government

Revenue Department

with the Governor

Stonehouse Hill

Sir

With reference to the Order of Government, dated the 25th July 1884, No 885, Revenue, I have the honor to forward herewith my opinion on the question referred to therein, and to return the papers sent to me.

I have the honor to be

Sir

Your Most Obedient Servant

P. Sullivan

Advocate General.

Revenue Department

No. 5261

1884.

From

The Advocate General
Madras.

To

The Secretary to Govt.
Revenue Department
Ooty.

Dated 11th August.

Recd 12

Subject.

Forwarding Opinion relating to Madras Act I of 1882 and the Notification of Govt. published in the Fort St. George Gazette of the 1st April 1882, page 201.

15/8

REVENUE DEPARTMENT.

No. 9

From Advocate General

Dated 11 August 1884. No.

FOR ORDERS.

The effect of the Advocate General's opinion is that Act I of 1882 has been brought into operation in the scheduled districts in a valid manner; and consequently that, though it has not yet been acted on, it might be hereafter. The A.G. however has not considered the effect of Act XXIV of 1839, in ~~debarring the local~~ barring the operation of any ~~legislation~~ revenue law passed subsequently. Nor has he stated how Act I of 1882 can now be got rid of?

Should a further reference be made, or should the matter be let lie; prevention operations having been forbidden?

MS

Let Judicial have copy of the A.G.'s opinion
GMC

GMC 2/9

G.O. 5-9-84 [illegible]

FOR ORDERS.

Sep. Rev. No. 231.
Salt.

5261
5621.

G.O. No. 990 of 5. 9. 84.

The Honble the Advocate General's Opinion will be communicated to the Judicial Department and the B^d of Rev^e.

2. Under the view of the law taken by the Advocate Genl. Act 1 of 1882, Madras, must be considered as being now in force in the Scheduled districts but as already ~~intimated~~ in G.O. 25th July 1884 no. 885 Rev^e, Gov^t are of opinion that no attempt should be made to enforce the penal & preventive provisions of the Acts in these tracts.

3. The Comm^r of Salt Rev^e is requested to expedite the submission of the revised draft notification regarding the reconstitution of Salt Revenue Circles, called for in para 1. of the Gov^t order above referred to.

H.C.

Lvet from orders

To the Judicial Dep^t
16 Board of Revenue