Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1415

DATED 13th March

[Despatch Abstract.]

making certain observations on the Board's remarks regarding the failure to communicate to it a letter from the Hon'ble Mr. Hodgson on the subject of the Ground Rents on the Hilgins ?

12-8-15 U

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 1710.

The Hon: un pose c. 28.

GOVERNMENT OF MADRAS
24 FEB 97
REVENUE DEPARTMENT

From

The Board of Revenue, Land Revenue.

Madras

Order nisi

Recorded

2. The Board's presumption in para 2 is correct.

3. As regards the remarks contained in para 3

Forest No. 171 Mis

Dated 20th February 1897

Received 24 2-97

Registered 25-2-97

Enclosures

Spare copies

SUBJECT.

Communicating to the Collector of Coimbatore and the Conservator of Forests S.C. with remarks, G.O., passing orders on certain questions connected with the disposal of applications for lands on the Anamalais.

1710 25/2/97

BACK PAPERS.

G.O.	No.	Department.	Date.
	109	Rev	9.2.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

3,000
10-12-96.

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue)

Forest NO 171 Misc, dated 20th February 1897.

Read Government Order Revenue Department, NO.109/P, dated 19th February 1897.

Resolution.

Communicated to the Collector of Coimbatore and the Conservator of Forests, Southern Circle.

2 The Collector is requested to intimate at once to all the original applicants the purport of the orders now issued by Government. If it is desired to secure any preferential right within the areas originally selected, final applications should be sent in, so that as to reach the Collector's Office within ten days from the date of receipt of the Collector's order. The Government Order merely specifies the period of limitation as "ten days", but the Board presumes that the above interpretation is correct.

3 From the papers read at the head of the present Government Order and from the abstract of papers read in Government Order 694 dated 4th December 1896, it would appear that certain correspondence has passed between the Government and the Honorable Mr. Hodgson in connection with this subject. These papers have not been communicated to the Board, so it is not possible to ascertain why the Government has seen fit to depart from the rules of Official business ordinarily adopted in this Presidency. The Board now ventures to respectfully submit that the Honorable Mr. Hodgson should be instructed to address any further communications on this subject to the Board as head of the Forest Department, or to Government through the Board.

(True Extract)

Secretary

To The Collector of Coimbatore
Conservator, S.C.
Secretary Govt Rev R.D. ✓

D/4—1,000—11-6-96.

Send Secy of Lands with a s.c. & Petn rolled Dec 1897

C No. 1710 of 97

REVENUE DEPARTMENT.

From the Board of Rev: & Land Rev:

Dated 20th Feby 1897.

The Hon: the Prose C. S.

The Hon: the Bliss C. S.

FOR ORDERS.

I don't remember this order of was 4 to 3 or 5 referred to by this Bd (it is not put up), & whether Bd was not justified by this order of the 19th Feb in the ctn pronounced conclusion that Govt has seen fit to thereof; However, this conclusion was so probable that it will be better to say nothing about its positiveness. The proposed answer will do — in substance

J.G.
10/3/97

As to what reply should be given to the Board with reference to para 3 of its Proc: 2. The para seems to be a little too strongly worded and it may perhaps be thought that in writing it the Board has forgotten its position. From the facts of the case, however, it will be seen that there was in the present mistake, no occasion for the Board to lose its temper. These facts are briefly as follows:—

Towards the end of Jany last the Hon: the Hodgson sent to the Hon: the Price a private letter about Capt Allan's case and the Secy it is understood at the time replied that the ex-letter could not be submitted for the Hon's order unless it was so formally placed

C. 9/3/97.
R. 11/3/97.
R. 12/3/97

placed before Govt Mr Hodgson accordingly submitted his letter dy 1st Feb[y] 1897 and at the same time the Board also sent in its Props. for Rs 91 dy 28th Jan[y] 1897. From para 2 of the Collector's letter embodied in the B.P. and Mr Hodgson's letter, it will be seen that the cases dealt with were identical — only in the Collector's letter, Capt. Allan's name was omitted. It was in the circumstances thought quite unnecessary to refer Mr Hodgson's letter to the Board and the procedure adopted was it is respectfully submitted strictly in accordance with the practice obtaining in the Secretariat. Mr Hodgson's letter was treated in exactly the same way as ~~the other~~ ordinary petitions relating to a subject under the consideration of Govt at the time of its submission. Such petitions are not referred to the Board for remarks unless further information may yet be required, and are not as a rule communicated to the Board before orders are passed.

According to the "rules of official business ordinarily adopted in this Presidency" the Board should have easily inferred that it was not consulted by Govt because there was no point in Mr Hodgson's letter on which its opinion was required.

x flagged A

@ flagged B.

FOR ORDERS.

D

3. The fact seems to be that the Board, not having a copy of the Collector's letter with it, has forgotten what it contained (the B.P. by itself is not likely to throw much light on the point) and has apparently inferred that the Govt has at Mr Hodgson's instance passed orders on questions which have not been officially placed before it.

This is possibly the case.

4 Perhaps it would be better to communicate the above facts d/o to the Board and to ask it to withdraw para 3 of its Props.

This course seems hardly suitable. The Board has made its remarks in an official communication & must stand by them. — Mr Hodgson, not being a public servant, is not bound to address Govt through the Board; & in a case of this description para II of C. Pt.[y] rules hardly applies for the matter was one upon which the orders of Govt were almost certainly required. However this may be it is not customary to apply "Para II" to a petition relating to a subject which has just been referred by the Board for the orders of Govt.

B.P.M.
5.III.97

Perhaps the following G.O. might do.

No. misc. No. 1415 dt. 13th March 1897.

90. The Board's presumption is correct

2. From para. 3 of the Proceedings it appears that the Board is under a misapprehension. Private individuals are at liberty to communicate direct with the Govt. upon any subject and cannot be compelled to address their communications through the Board of Revenue or any other head of department. The question how particular communications so received should be disposed of is entirely a matter for the discretion of the Govt. It is for the Govt. in each case to decide whether to pass orders itself on the subject-matter of the petition, to call for a report from the departmental head concerned, or to refer the petitioner to para. 2 of G.O. Petition Rules. In the case now under consideration the B.R. was not consulted inasmuch as the Hon'ble Mr. Hodgson's letter related to a matter requiring the orders of Govt. which was already in possession of the Board's views on the subject as embodied in its Proceedings of the 20th and 28th January The orders passed being sufficiently full and explicit there was no necessity to communicate to the Board a letter relating to a particular case the disposal of which necessarily followed the decision of the general question.

D 8-3-97

To the Board of Revenue (L. R.)

D.S. 17-3-97

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13/3(S)

D

10/3/97

would not be in accordance with the rules of Official Business ordinarily followed in these Presidencies? to "instruct" them

I don't think myself. Cleaner's correction will do. My impression is that it is in accordance with the rules of official business for a Merchant Prince who addresses Govt. direct to come through the B.R. or the head of dept. Surely it is a common thing to return a petition for this with the instruction? As regards the most common form of communication direct addressed to Govt. viz. petition & appeal, either formally decided never to entertain them unless submitted through the officer whose decision is appealed against — I would alter the draft accordingly in red ink —

I think the B.R. had reason for complaint as the matter was practically settled but in the G.O.

Hon'ble Mr. Hodgson again 11/3/97 12.3.97

letter from the Hon'ble Mr. Hodgson related to a particular case which was disposed of in the general order issued by Govt., so there would have no purpose would have been served by communicating it to the B.R.

When given for copying ____
When copied ____
When examined ____
When signed ____
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READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT							
STATEMENT WITH DITTO							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—
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