

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 380

DATED 21 Jan'y 1897.

[Despatch Abstract.]

Coming letter B. of Rev. pro. of L. & M. Dept.
stating that D. K. of Godauni is competent
to sanction without ref. to Govt. the remission
of irrecoverable arrears of rent due from the
rents of it all at all ferry.

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 (1896) Department.

CURRENT No. 7532

From
The Local & Municipal
Departments

Order

No. 1827-L

Dated 3-10-93

Received 22-10-96

Registered 23-10-96

Enclosures

Spare copies 5

SUBJECT

Stating, with remarks, that
the D.C. Board of Godavari
is competent to sanction to that
reference to Govt. the revision
of the measurement areas
of rent due from the outlets of
the Velapalli ferry.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2

No. 1827 L., 3RD OCTOBER 1896.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper :—

From V. A. BRODIE, Esq., President, District Board, Gódvári, to the Chief Secretary to Government, dated 3rd September 1896, Ref. on Cur. No. 1563-D.B.

In enclosing a copy of letter No. 160-T.B., dated 27th July 1896, from the President, Taluk Board, Cocanada, I have the honour to request that the Government will be pleased to sanction the writing off the accounts of Rs. 69-10-11, being the amount of irrecoverable rent due from the renter of the Nelapalli ferry, as he is reported to have become an insolvent.

2. A copy of the District Board's resolution, No. 8, dated 29th August 1896, sanctioning the same is enclosed.

ENCLOSURES.

From M.R.Ry. K. RUSTUM SING Avargal, Rao Bahadur, President, Taluk Board, Cocanada, to the President, District Board, Gódvári, dated 27th July 1896, R. C. No. 160-T.B.

In reply to your Ref. on Cur. No. 99-D.B., dated 23rd January 1896, I have the honour to forward herewith Cocanada Deputy Tahsildar's arzis No. 210, dated 9th December 1895 and 15th May 1896, from which it can be observed that Mamidipalli Venkatareddi, ferry renter of Nelapalli for fasli 1304, has become an open bankrupt owing to reverses of fortune since the date of ferry sales for fasli 1304. The sales were held first by my predecessor under the conditions fixed for the sale of ferries, and as at that time it was not suspected that the purchaser was an insolvent, and as he deposited the prescribed advance of Rs. 300, his bid was accepted. I therefore request that you will be pleased to move the district board to sanction the writing off the irrecoverable balance now outstanding.

EXTRACT from the Proceedings of the District Board, Gódvári, passed at its meeting held at Rajahmundry on 29th August 1896.

8. Read correspondence ending with the letter No. 160, dated 27th July 1896, from the President, Taluk Board, Cocanada, requesting to sanction for remitting Rs. 69-10-11, due from the Nelapalli ferry renter as he became a bankrupt.

Resolution.—The recommendation of the President, Taluk Board, Cocanada, to write off the accounts the amount of Rs. 69-10-11 is approved and the sanction of Government will be applied for.

ORDER—No. 1827 L., dated 3rd October 1896.

As the management of ferries, including the collection of rents, has been assigned to the district board, it is competent to sanction the remission of the irrecoverable arrears in question without reference to Government.

(True Extract.)

W. D. Shillington
Under Secretary, P.W.D.,
for Ag. Chief Secretary.

To the President, District Board, Gódvári.
„ all other Presidents of District Boards.
„ the Accountant-General.
„ the Revenue Department.

Ed. C. M. Thumbarwamy.

Government {1896} of Madras. LOCAL AND MUNICIPAL.

Recd.

Regd.

1896.

Enclosures

Spare copies

G.O., No. 1827 L., 3rd October 1896.

OCTOBER.

Remission of Ferry Rent.

Stating, with remark, that the District Board of Górávari is competent to sanction without reference to Government the remission of the irrecoverable arrears of rent due from the renter of the Nelapalli ferry.

The Hon. Mr. Crose. C.D. &
The Hon. Mr. Bliss C.D. &

Cus 7552/86

Note

The renter of the Nelapalli ferry, the management of which had been assigned to the District Board, Godavari, having been reported to have become insolvent, the President of the District Board, in pursuance of a resolution of the said Board, requested the sanction of Government for writing off the accounts the sum of Rs 69-10-11, being the amount of irrecoverable rent due from the insolvent renter.

G.O. 1827 L. 3/10/96

On this, an order to the following effect has been passed in the L & M. Deptt. "As the management of the ferries, including the collection of rents, has been assigned to the District Board, it is competent to sanction the remission of the irrecoverable arrears in question, without reference to Government." The correctness of the order seems, however, open to question. Under G.O. 1067 of 11. 6. 83, "refunds and remissions of land cess and of revenues not accruing under the Local Funds Act, but assigned to Local Boards for the purpose of the Act, shall be sanctioned

C. 1571/97
2. 13/11/97

the same authorities and under the same procedure as refunds and remissions of Land Revenue; and in G.O. 1352 L of 4.6.92, the Govt. has ~~expressed~~ expressed the opinion that "Local Fund money should not be written off the accounts without the sanction of Government." It would thus appear that under the ruling in the first of the orders quoted above, ferry rents, which are revenues assigned to the Local Boards, cannot be refunded or remitted ~~without~~ by the Local Boards concerned; while under the latter ruling, these Boards are not competent to write off local fund money, much less an assigned fund. In the latter case Art. 279 of the Civil Account Code would seem to apply. Attention is also invited to G.O. 1153 of 16.3.94, a similar case, in which the necessary sanction was accorded by Govt.

Perhaps the Accountant-General's opinion in the matter may be taken.

Munir

NOTE FOR THE ~~CHIEF~~ SECRETARY.

(Note of the Revenue Department on Current No. 7552.)

The ruling in G.O. No. 10672 dated 10th June 1888, quoted in the note of the Revenue Department, is not applicable to the present case, as under G.O. No. 292 Financial, dated 4th May 1891, the entire management of ferries and not, as before, merely the revenues therefrom, has been assigned to the district Board. The Board thus leases out the ferries and collects rents from the contractors just in the same way as it does with road tolls. It was therefore ruled in G.O. No. 1827 L dated 3rd October 1896, that the district Board was competent to sanction, without reference to Government, the remission of irrecoverable arrears of ferry rents. The rulings in G.O. No. 1352 L dated 4th June 1892 and in Article 219 of the Civil Account Code, quoted in the latter part of the note, do not appear to have any bearing on the present question, as they relate to the power to write off the accounts, the value of advance made from the treasury and subsequent become irrecoverable, and of stores or

public money lost by fraud or negligence.
 G.O. No. 1827 L dated 3rd October 1896
 is therefore not in conflict with any pre-
 vious rulings, nor is it desirable that Govern-
 -ment should retain with itself the power
 of sanctioning all remissions of ferry-
 rents. As pointed out by Mr. Winterbotham
 in para 2 of his letter read in G.O.
 No. 560 L. dated 13th March 1893, "if
 Government undertakes the scrutiny of
 every claim to remission, it will find
 the task a very formidable one, and the
 labour of preparing the necessary reports
 and statements in a shape fit to be
 submitted to Government, will be a most
 unwelcome addition to existing burdens"
 in the district offices.

V.R.

11/11/96

The management was transferred
 to local boards under sec 11 of
 the Act (II of 1890 M.). That section
 runs. "The management of any
 canal or public ferry may by order
 of the Govt., be assigned to a loc.
 Board... & thereupon & the revenue
 accruing therefrom shall be
 credited to the funds of such
 managing authority, which

4. (1) suspending or lessening
 (2) removing vessels from canal
 (3) " " instructions
 (4) prohibit construction of fishing
 contrivances
 (5) stop vessels navigating

"shall exercise all the powers
 stated in sec 7 & 8"

Section 12 empowers the managing
 authority to appoint persons to collect
 tolls & fees payable under the Act; &
 the collection of the tolls & fees may be
 leased out under such conditions as
 Govt. may prescribe.

It may be a question
 whether legally "management" includes
 the authority to forego revenue
 leviable under the Act. If a
 Board makes an unprovoked
 contract with a ^{fraudulent} ferry renter, the
 Board should properly make the
 loss good as it has undertaken
 the risk & responsibility of manage-
 -ment. But in the end this w^d
 merely mean taking money out
 of one pocket to put it in another.
 The Govt. seems to exercise a
 sufficient control thro' the

Please put up the following
 local self govt. letters & orders
 1892, 1893 & 1894 & others
 1895/96

Please see papers in the file for the
 local self govt. letters & orders
 from the Government of India on the
 subject in 1892.

Copy of the letter
 from the Govt.

budget estimates & the review of the annual advt. of the Roads. So practically there is little or nothing to be gained by requiring specific govt. sanction to every case of permission.

J.P.R.

11.1.7

I don't think L.P. had intended, unless the Asst. Sec. makes it necessary to do so. There may be some doubt whether the rules require L.P. sanction or not, but at all events it is not certain that they do, & it is best on all grounds that L.P. should not interfere. There are innumerable cases in which the L & B must sign the rest of water payable.

JG
15/1/97

I agree. Anyway, we can wait until the A.G. raises an objection.

BS
18/1/97

Sp21/1 -

Note

~~All~~ All proposals relating to the constitution of ferries are submitted through the Board of Rev. and ^{as} this order in the L & B Dept contains an important ruling, it was thought that it might be communicated to the Board.

There is no harm, however, in the paper being recorded; & but it is thought that a copy should go to the Board.

(A.
20 Jan 97)

C.N. 7552/96

G.P. mis. No. 380 of 21 Jan 1897
communicated
to the Board of Rev.

W
21.1.97

Why not simply

'Recorded'

W
25.1.97

From orders

3 To the B^d of Rev (L.R.)
25.1.97

(A.
19 Jan 97)

When given for copying _____
 When copied _____
 When examined _____
 When signed _____ } 189 .

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

PAPER NOT FILLED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL. •

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only