

E. J. P. H. (1947) Department.

MS. SERIES.

G.O. NO.

1018 Edu.

Dated

15-5-1967

[Despatch Abstract.]

Europeans and Anglo Indian - Education - Provincial domicile

- Papers recorded.

Back Papers.

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

Further Papers.

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

Secretary, E. & P.H.

The Commission appointed for the reorganisation of the Anglo-Indian and European Education has made the recommendation that for purposes of provincial domicile, no distinction be made between the natives of the province and those who have settled in it. Public may be asked to give their opinions and recommendations.



H.M. Edn.

Public dept

30.10.46.

3/10/46.

2. 11. 46.

2

Public (Ser) Dept

The position is as follows:-

The rules for the determination of domicile are in G.O. No. 1141 Public (Ser) dated 5.11.1931 as subsequently amended. A person's domicile is the place in which at the time of his birth his father was domiciled - See rule 2 ibid. The domicile of origin prevails until a new domicile has been acquired. A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin or by declaring his desire to acquire a new domicile in accordance with the law of the country. No person is

Copy at
pp 1-2 of
(I)

Rule 4 at
Rule 5 ibid

3

(M)

to be considered as having taken up his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service in the exercise of any profession or calling.

Pub (Ser) O.O. 3335/46-1
18.11.46

The file may be returned to E.S.P. with the above information.

ER
willub

16.11.46



21/11/46 (C)

The notes of the Public Dept at pp 2-3 and may be perused. The file may be circulated to H.M. (C) with ref. to his minute at p. 1 ante.

21.11.46

21/11/46

Relate to fixation of domicile in various countries. It is not clear how it will apply to the fixation of 'domicile' as between the various Provinces in India. In other words, where a person's domicile is now determined? It is the question that has been raised in the note of the Public (Ser) Dept. Please be requested to elucidate the position further.

Edm. no.
570/ub-1
4.12.46.

Public (Services) Department

The rules issued in G.O. No. 1141 Public (Ser) dated 5-11-1931 ^{as} subsequently amended have been made for the purpose of Statutory Service Rules ^{issued} ~~made~~ by the Provincial Government under rules 41, 42 or 44 of the old Civil Services (Classification, Control and Appeal) Rules which correspond to section 241(2)(b) of the Government of India Act, 1935.

these rules are still in force by virtue of section 276 of the Government of India Act, 1935. *In as much as* Rules 41, 42 and 44 of the Civil Services (Classification, Control and Appeal) Rules restrict the powers of the Provincial Government to make rules in respect of the Provincial, Specialist and Subordinate Services under their control, the rules relating to domicile issued in the G.O. must be regarded as rules for the determination of domicile within the Madras Province. *Pl see in this connection 3 on p 2 of 7-8-50. 1022 Pub (Ser) 3-4-44.* The Legal Department may be requested to say if the position as stated above is correct.

7/12/46
8-12-46
Legal.

Pub (Ser) No 3666/467
9. 12. 46.

LEGAL DEPARTMENT.

The recommendation of the Commission appointed for the reorganization of Anglo-Indian and European Education extracted at page 1 ante presumably relates to recruitment to Government services in this Province. The rules relating to domicile contained in G.O.No.1141 Public (Ser.) dated 5-11-31 were made under Rules 41, 42 and 44 of the Civil Services (Classification, Control and Appeal) Rules and ~~are~~ kept alive by section 276 of the Government of India Act, 1935. Those rules, however, only provide for the determination of domicile in ~~this~~ the country, i.e., British India as a whole, and do not deal with domicile in a province of British India. The principles laid down in the rules contained in the G.O. mentioned above are all well settled ones and may reasonably be applied for the purpose of determining the domicile in a province. It is, however, not clear how the question of domicile in this Province will arise for consideration in regard to recruitment to services under this Government. General Rule 10(c) of the Provincial and Subordinate Services Rules *(as it now stands)* only precludes the appointment of a person, other than a subject of His Majesty domiciled in India, without the sanction of the Government.

PTO.

ASSISTANT SECRETARY
10 DEC 1946
LEGAL DEPARTMENT.

In other words, an Anglo-Indian domiciled not in this, but in some other Province, will be as eligible for appointment to any services, Provincial or Subordinate, in Madras as/in this Province.

8/2/47 *25 Km.* *8/2/47*

Pub. (Services)

Public (Services) Dept.

[The delay in dealing with this file was due to the great pressure of work connected with Legislation.]

[Previous note of this dept. is on pp. 3-4 ante]

Legal note on pp 4-5 ante may be perused and

the file returned to E.H.H. (An extract of legal's note may be retained here)

ER
13/12/47

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
1-8 FEB 1947
13830

Legal n.o. 10203/47-1
8/2/47

12 FEB 1947
143
Pub (Ser) No 3666/46-5
172/47.

The notes of the Public and Legal depts. on pp. 3-5 ante may be perused for orders whether the file may now be circulated to

H. M. (Edn.)

22/2/47
24/2/47

24/2/47 *S* *by* *25/2/47*

10. (Cm.)

What is stated by the Public and Legal is not clear. The report of the Commission appointed for the purpose of a survey of Anglo-Indian education in its recommendation No.2 recommended that for the purpose of provincial domicile no distinction be made between natives of the province and those who have settled in it.

The point is whether we shall accept that recommendation or not. The opinion given above is not clear in this matter. It may be made clear.

GOVERNMENT OF MADRAS
0 - APR 1947
7-44

The file may be sent to
Legal and Pub (Ser) w.r.t.
the minute of H.M. (Educ) on
page 5 ante.

8/4/47 S / 1/4/47



LEGAL DEPARTMENT.

Attention is invited to the note at A on
pp. 4 and 5 ante. As pointed out in that note, there
is no distinction now in the rules in force in this
Province between persons domiciled in it and those
domiciled in some other part of India. Both classes
of persons should however be British subjects while the
latter class should be persons domiciled in some other
part of India. It is therefore suggested that we may
accept recommendation No. (2) of the Commission sub-
ject to the condition that only Anglo-Indians will be
appointed who are subjects of His Majesty, domiciled
either in this Province or in some other part of
India.

K. 10. 17/4/47.

Pub. (Services)

Legal u. 04083-1

Public (Ser) Dept

This department may agree with the views
of the Legal department at B above and return the
file to the E. & P. H. Dept.

21/4/47
21/4/47

24/4/47
21/4/47
CI

[with copy of Report of
the Commission appointed
by Indian Princes for
Anglo-Indian & European Education]

Pub (Ser) No 1250/47-1
(with a book)



Please see the note of the
Legal dept. with ref. to the

minutes of H. M. (E.M.) on p. 5 ante. The
file may be circulated to H. M. (E.M.)

30.11.47.
30/11/47

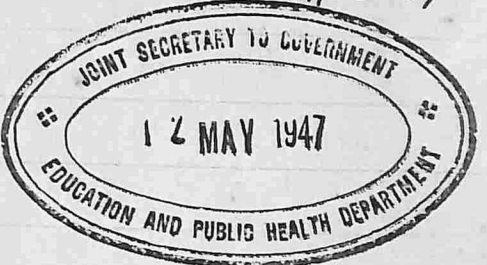
15-47

S

1/11/47 (E.M.)

1/11/47 (E.M.)

11-5-47



30/11/47

15/5

The papers may now be

Recorded.

11-5-47

Go 1018
15/5/47
Anglo Indian
European Education
Provinces domicile
Papers recorded.

$\frac{1}{2} \cdot \frac{1}{2} = \frac{1}{4}$

8/15/88

... and could not escape the

Beaver

1010 a 1011
 1012 a 1013
 1014 a 1015
 1016 a 1017
 1018 a 1019
 1020 a 1021
 1022 a 1023
 1024 a 1025
 1026 a 1027
 1028 a 1029
 1030 a 1031
 1032 a 1033
 1034 a 1035
 1036 a 1037
 1038 a 1039
 1040 a 1041
 1042 a 1043
 1044 a 1045
 1046 a 1047
 1048 a 1049
 1050 a 1051
 1052 a 1053
 1054 a 1055
 1056 a 1057
 1058 a 1059
 1060 a 1061
 1062 a 1063
 1064 a 1065
 1066 a 1067
 1068 a 1069
 1070 a 1071
 1072 a 1073
 1074 a 1075
 1076 a 1077
 1078 a 1079
 1080 a 1081
 1082 a 1083
 1084 a 1085
 1086 a 1087
 1088 a 1089
 1090 a 1091
 1092 a 1093
 1094 a 1095
 1096 a 1097
 1098 a 1099
 1100 a 1101
 1102 a 1103
 1104 a 1105
 1106 a 1107
 1108 a 1109
 1110 a 1111
 1112 a 1113
 1114 a 1115
 1116 a 1117
 1118 a 1119
 1120 a 1121
 1122 a 1123
 1124 a 1125
 1126 a 1127
 1128 a 1129
 1130 a 1131
 1132 a 1133
 1134 a 1135
 1136 a 1137
 1138 a 1139
 1140 a 1141
 1142 a 1143
 1144 a 1145
 1146 a 1147
 1148 a 1149
 1150 a 1151
 1152 a 1153
 1154 a 1155
 1156 a 1157
 1158 a 1159
 1160 a 1161
 1162 a 1163
 1164 a 1165
 1166 a 1167
 1168 a 1169
 1170 a 1171
 1172 a 1173
 1174 a 1175
 1176 a 1177
 1178 a 1179
 1180 a 1181
 1182 a 1183
 1184 a 1185
 1186 a 1187
 1188 a 1189
 1190 a 1191
 1192 a 1193
 1194 a 1195
 1196 a 1197
 1198 a 1199
 1200 a 1201
 1202 a 1203
 1204 a 1205
 1206 a 1207
 1208 a 1209
 1210 a 1211
 1212 a 1213
 1214 a 1215
 1216 a 1217
 1218 a 1219
 1220 a 1221
 1222 a 1223
 1224 a 1225
 1226 a 1227
 1228 a 1229
 1230 a 1231
 1232 a 1233
 1234 a 1235
 1236 a 1237
 1238 a 1239
 1240 a 1241
 1242 a 1243
 1244 a 1245
 1246 a 1247
 1248 a 1249
 1250 a 1251
 1252 a 1253
 1254 a 1255
 1256 a 1257
 1258 a 1259
 1260 a 1261
 1262 a 1263
 1264 a 1265
 1266 a 1267
 1268 a 1269
 1270 a 1271
 1272 a 1273
 1274 a 1275
 1276 a 1277
 1278 a 1279
 1280 a 1281
 1282 a 1283
 1284 a 1285
 1286 a 1287
 1288 a 1289
 1290 a 1291
 1292 a 1293
 1294 a 1295
 1296 a 1297
 1298 a 1299
 1300 a 1301
 1302 a 1303
 1304 a 1305
 1306 a 1307
 1308 a 1309
 1310 a 1311
 1312 a 1313
 1314 a 1315
 1316 a 1317
 1318 a 1319
 1320 a 1321
 1322 a 1323
 1324 a 1325
 1326 a 1327
 1328 a 1329
 1330 a 1331
 1332 a 1333
 1334 a 1335
 1336 a 1337
 1338 a 1339
 1340 a 1341
 1342 a 1343
 1344 a 1345
 1346 a 1347
 1348 a 1349
 1350 a 1351
 1352 a 1353
 1354 a 1355
 1356 a 1357
 1358 a 1359
 1360 a 1361
 1362 a 1363
 1364 a 1365
 1366 a 1367
 1368 a 1369
 1370 a 1371
 1372 a 1373
 1374 a 1375
 1376 a 1377
 1378 a 1379
 1380 a 1381
 1382 a 1383
 1384 a 1385
 1386 a 1387
 1388 a 1389
 1390 a 1391
 1392 a 1393
 1394 a 1395
 1396 a 1397
 1398 a 1399
 1400 a 1401
 1402 a 1403
 1404 a 1405
 1406 a 1407
 1408 a 1409
 1410 a 1411
 1412 a 1413
 1414 a 1415
 1416 a 1417
 1418 a 1419
 1420 a 1421
 1422 a 1423
 1424 a 1425
 1426 a 1427
 1428 a 1429
 1430 a 1431
 1432 a 1433
 1434 a 1435
 1436 a 1437
 1438 a 1439
 1440 a 1441
 1442 a 1443
 1444 a 1445
 1446 a 1447
 1448 a 1449
 1450 a 1451
 1452 a 1453
 1454 a 1455
 1456 a 1457
 1458 a 1459
 1460 a 1461
 1462 a 1463
 1464 a 1465
 1466 a 1467
 1468 a 1469
 1470 a 1471
 1472 a 1473
 1474 a 1475
 1476 a 1477
 1478 a 1479
 1480 a 1481
 1482 a 1483
 1484 a 1485
 1486 a 1487
 1488 a 1489
 1490 a 1491
 1492 a 1493
 1494 a 1495
 1496 a 1497
 1498 a 1499
 1500 a 1501
 1502 a 1503
 1504 a 1505
 1506 a 1507
 1508 a 1509
 1510 a 1511
 1512 a 1513
 1514 a 1515
 1516 a 1517
 1518 a 1519
 1520 a 1521
 1522 a 1523
 1524 a 1525
 1526 a 1527
 1528 a 1529
 1530 a 1531
 1532 a 1533
 1534 a 1535
 1536 a 1537
 1538 a 1539
 1540 a 1541
 1542 a 1543
 1544 a 1545
 1546 a 1547
 1548 a 1549
 1550 a 1551
 1552 a 1553
 1554 a 1555