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Yin arrial (189) Department.

ORDINARY Press

G.O., No. 1096

~~Confidential No.~~ Case

DATED 6-10-99

INDEXED.

10/11

[Despatch Abstract.]

Exchange Compensation Allowance
Considering that Mr. A.R. Banerji, I.C.S.,
is not eligible for ———.

C. No 3377

Seen by H. M.

9.10.99

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
156/00 (under Secy. Mem.)							

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Financial (189) Department.

ORDINARY Press

G.O., No. 1096

Confidential No. ~~Case~~

DATED 6-10-99

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for signature
3/1/99

[Despatch Abstract.]

Exchange Compensation Allowance.

Considering that Mr A. R. Banerji I. C. S. is
not eligible for —

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1899} of Madras. FINANCIAL.

*Dep't of
Public Works
24/10/99*

Recd.

1899.

Enclosures

Regd.

Spare copies

G.O., No. 1096, 6th October 1899.

OCTOBER.

Exchange Compensation Allowance.

Considering that Mr. A. R. Banerji, I.C.S., is not eligible for —.

GOVERNMENT OF MADRAS.
FINANCIAL DEPARTMENT.

READ—the following paper :—

From A. R. BANERJI, Esq., I.C.S., Acting Head Assistant Collector of Madura, to the Collector of Madura, dated 5th September 1899.

I have the honour to forward a memorial applying for being declared eligible to exchange compensation, and to request you will be good enough to forward it at your early convenience.

ENCLOSURES.

Memorial of A. R. BANERJI, Esq., Member of the Indian Civil Service, Madras, to His Excellency the Governor of Madras, through the Chief Secretary to Government, through the Collector of Madura, dated Ramnad, 3rd September 1899.

HUMBLY SHOWETH,—That the memorialist joined the Indian Civil Service in the year 1895, and in the first pay bill claimed exchange compensation which was disallowed; that he has since been waiting for the formulation of new and revised rules to prefer his claim; that, now that the rules have been finally passed by the Government of India and promulgated, the memorialist humbly begs to put his claim before Your Excellency for such consideration as Your Excellency may deem fit on the following grounds :—

(1) That the memorialist fulfils more than one condition to entitle him to be declared not a Statutory Native for purposes of exchange compensation, inasmuch as he was born out of India and was out of India for some appreciable period, i.e., over three years, before he entered Government service (*vide extract Madras Mail*, dated 1st September, page 5, column 2). Therefore the memorialist does not come under, and is not governed by, the rules relating to Statutory Natives for purposes of exchange compensation.

(2) That the memorialist has a European domicile on the ground that he was in Europe for an appreciable period after the age of ten and before entering Government service (*vide rules quoted above*), and also because he was born in England and was educated there; that further it is his intention to finally retire and settle in that country at the end of his service.

(3) That for the above reasons, and also for the reason that he is a member of the Indian Civil Service and was therefore appointed to superior service in England and not in India, he is governed by rules under which his claim to exchange compensation is admissible.

2. The memorialist therefore prays that Your Excellency will regard his case as deserving favourable consideration and declare him eligible to exchange compensation, to which the memorialist ventures to submit he is fully eligible under the rules now in force, or, if need be, refer the matter for the orders of the Government of India.

For which act of kindness the memorialist, as in duty bound, will ever pray.

Questions to be answered by Officers claiming Exchange Compensation Allowance.

Name of claimant Albion R. Banerji, I.C.S.
Office Acting Head Assistant Collector, Madura.

Questions.

1. Were you born and are you domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purpose only?
2. Are you a European?
3. Of what nationality was your father?
4. Of what nationality was your mother?
5. In what country were they married and when?
6. In what country were you born and when?

NOTE.—If appointed in England and No. 2 is answered in the affirmative, questions 7 to 19 need not be replied to.

Answers.

1. I was born in England, of parents resident in India, but also residents temporarily of Europe, and I am not domiciled within the dominions of Her Majesty in India.
2. Yes, by virtue of the definition of a European as laid down in section 4 (1) of the Criminal Procedure Code.
3. Indian.
4. Indian.
5. India, in 1860.
6. England, in October 1871.

Being appointed in England, and having replied No. 2 in the affirmative, the remaining questions are unanswered.

I certify on honour that the foregoing answers are quite correct.

(Signed) A. R. BANERJI.

RAMNAD,
3rd September 1899.

N. Dis. No. 2620-Genl.

Forwarded.

(Signed) L. E. BUCKLEY,
Acting Collector.

MADURA,
22nd September 1899.

ORDER—No. 1096, Financial, dated 6th October 1899.

Under article 41 B of the Civil Account Code, exchange compensation allowance is payable only to Europeans, Eurasians who are not Statutory Natives of India being reckoned as Europeans. A son of a native of India by an English mother is ineligible for the allowance (*note 2, ibid.*), and this ruling has been applied by the Secretary of State to a member of the Indian Civil Service. Both Mr. Banerji's G.O., No. 575, Financial, dated 6th May 1899. Under the foregoing circumstances the Government considers that he is not eligible for the allowance.

(True Extract.)

G. STOKES,
Chief Secretary.

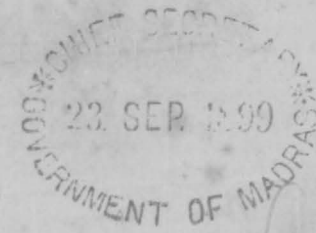
To A. R. Banerji, Esq., I.C.S. (through the Collector of Madura).
" the Accountant-General.

Exd. J. Henricus.

Financial
Public

Judicial (1899) Department.

CURRENT No. 3377



From

Secy Collector
Madurai

For Orders

~~The Secretary of State has~~
Exchange Comp. Allowance

N. Dis. No. 2620 of 89

is payable only to Europeans,
Eurasians who are not Statutory
Natives of India being reckoned
as Europeans. [§ 41 B & A Code]
A son of a
Native of India & an English
mother is ineligible for the
allowance [Note 2 to § 41 B
of the C. A. Code] & this ruling
has been applied by the Secy of
State to a member of the
I.C.S. [G.O. 575 Fud & 6.5.88]

Dated 22 September 89
Received } 23 "
Registered } 6.40pm
Enclosures 3
Spare copies -

SUBJECT.

Submitting a memorial from Mr
A. R. Banerji of Madurai asking
Madurai applying for being
declared eligible to exchange
compensation.

Mr. Banerji's parents are
both returned to him as Indian
He seems to be clearly ineligible
for the allowance - in spite of
the facts stated by him which

Mr. May 1
2.10.99

BACK PAPERS.

G.O.	No.	Department.	Date
Sr.	901	Fin	15.8.99
-	679	-	15.6.99
-	575	-	6.5.99
-	1081	-	4.8.98
-	381	-	19.4.98
-	139	-	12.2.98
-	809	-	30.9.97

Ms. 575
sc 431
24.7.97
24.6.97
FURTHER PAPERS.

G.O.	No.	Department.	Date.
Min	979	-	13.11.94
	980	-	
Imp	845	-	30.8.93

Value correct so far as they go

28/4/99

Order Read C. No (as marked)
No 1096 of 6-10-99
P.O.S.

Under article 41 B of the C.A Code, Exchange Compensⁿ allowance is payable only to Europeans, Eurasians who are not Statutory Natives of India being reckoned as Europeans. A son of a Native of India by an English mother is ineligible for the allowance Article 2 ibid and this ruling has been applied to the Secy. of State to a member of the Indian Civil Service - Barth. Mr. Banerji parents are returned as Indian. Under the foregoing circumstances the Govt considers that he is not eligible for the allowance.

(From Order)

15/7/99

5
Treat as Care

4/1/99

A.R. Banerji Esq 208 (then the Secy. of Madras) } Dep^y
Acct Encl (12/1/99) } 20-10-99

To

Print

Enclon

His Excellency Sir Arthur Havelock G.C.M.G. G.C.S.E.
Governor of Madras.

through the Chief Secretary to the Government
of Madras.

through the Collector of Madras.

Memorial of Albion R. Banerji member of
the Indian Civil Service Madras.

Humbly sheweth:-

That the memorialist joined the Indian Civil Service in the year 1895 and in the 1st pay bill claimed exchange - Compensation which was disallowed; that he has since been waiting for the - formulation of new and revised rules to prefer his claim; that now that the rules have been finally passed by the Government of India and promulgated, the memorialist humbly begs to put his claim before your excellency for such - consideration as your excellency may deem fit on the following grounds.

1. That the memorialist fulfils more than one condition to entitle him to be declared not a Statutory Native - for purposes of exchange compensation, in as much as he was born out of India and was out of India for some appreciable period.

is over 3 years - before he entered Government Service (vide Extract Madras Mail dated September 1 page 5 Column 2). Therefore the memorialist does not come ^{under} and is not - governed by the rules relating to Statutory Ratuies - for purposes of exchange Compensation.

2. That the memorialist has a European domicile on the ground that he was in Europe for an appreciable period after the age of ten and before entering Government Service (vide rules quoted above) and also because he was born in England and was educated there, that further it is his intention to finally retire and settle in that Country at the end of his Service.

3. That for the above reasons and also for the reason that he is a member of the Indian Civil Service and was therefore appointed to Superior Service in England and not in India - he is governed by rules under which his claim to exchange Compensation is admissible.

2. The memorialist therefore prays that your Excellency will regard his case as deserving favorable Consideration and declare him eligible to exchange Compensation -

to which the memorialist ventures to submit he is fully eligible under the rules now in force - or if need be, refer the matter for the orders of the Government of India.

For which act of kindness the memorialist as in duty bound with ever pray.

48m
Pica
Rammad
3rd September 1899

Albion R Baileys

QUESTIONS TO BE ANSWERED BY OFFICERS CLAIMING EXCHANGE
COMPENSATION ALLOWANCE.

Name of Claimant Albion R Banerji I.C.S.
Office Asst. Head Assistant Collector. Madras.

Questions.	Answers.
1. Were you born and are you domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purpose only?	1. I was born in England - of parents resident in India - but also residents temporarily of Europe - and I am not domiciled within the dominions of Her Majesty in India.
2. Are you a European?	2. Yes - by virtue of the definition of a European as laid down in sec 4(1) of the Criminal Procedure Code
3. Of what nationality was your father?	3. Indian.
4. Of what nationality was your mother?	4. Indian
5. In what country were they married and when?	5. India. In 1860.
6. In what country were you born and when?	6. England - in October 1871.
NOTE.—If appointed in England and No. 2 is answered in the affirmative, questions 7 to 19 need not be replied to.	
7. In what country or countries were you educated and for how long in each?	Being appointed in England and having replied no 2 in the affirmative the remaining questions are unanswered (vide note under question 6)
8. In what country or countries did you reside before appointment to the service of Government and for how long in each?	
9. In what country was your father born?	

Questions.	Answers.
10. In what country or countries was he educated and for how long in each?	
11. In what country or countries, and for how long, did he reside—	
(i) before you were born?	
(ii) since your birth to the present time?	
12. If he was ever in India, state—	
(i) when?	
(ii) for how long?	
(iii) in what capacity?	
(iv) (a) how often did he leave this country?	
(b) when?	
(c) for how long?	
(d) in what capacity?	
(e) in what countries did he reside during the periods of absence?	
13. If your father is dead, state in what country he died and when?	

Questions.	Answers.
14. In what country or countries, and for how long, did your mother reside—	
(i) before you were born?	
(ii) since your birth to the present time?	
15. If she was ever in India, state—	
(i) when?	
(ii) for how long?	
(iii) in what capacity?	
(iv) (a) how often did she leave this country?	
(b) when?	
(c) for how long?	
(d) in what capacity?	
(e) in what countries did she reside during the periods of absence?	
16. If your mother is dead, state in what country she died and when?	

If your father is living, these questions need not be replied to.

6

Questions.	Answers.
17. If not born in India, how did you come to be in that country on appointment to the service of Government, and when did you arrive in India?	
18. To what office, service, or department were you first appointed and when?	
19. Are you still serving in the same office and department? If not, give the names of the departments and offices in which you have since served and in which you are now serving with dates.	

NOTE.—In cases in which complete information for questions 18 and 19 is obtainable from the history of services of Gazetted officers, a reference to the page and date of that publication will suffice.

I certify on honour that the foregoing answers are quite correct.

STATION,

Raman ad

Date

24/3

1899.

A. Danay

Signature of Claimant.

Extract from the "Madras Mail"
September 1st 1899

Case
No 10967
6-10-99
Sent to P. M. S.
When
6-10-99

A man is not a "statutory native" for the purposes of the new rules only if he fulfils one or more of the following conditions:—

- (a) was born out of India.
- (b) was out of India for some appreciable period (not less than a year) after the age of ten and before he entered the Government service.
- (c) Father had no connection or only a temporary one with India.

With regard to the definition of the word "domicile" a person who has been continuously in India up to the time he entered Government service, or who has been absent from it only up to or before the age of ten is held to have a practical Indian domicile. If he was in Europe for any appreciable period (i.e. not less than a year) subsequent to the age of ten and before entering Government service this may be held to establish a non-Indian domicile.

From

Albin R Banerji Esq. I.C.S. &c.
Agent and Collector of
Madam

1 Pick

To

The Collector of Madam.

Sir,

Print

I have the honor to forward
a memorial applying for being declared
eligible to exchange compensation and
to request you will be good enough to
forward it at your early convenience.

I have the honor to be
Sir
Your most obedt. Servant

Alban R Banerji
5-9-99
Agent and Collector

Inu
Recd 17

CURRENT NO. 3877

For a/c.
16/9/98
Encs: 3.
2620 of 1899
22258

Forwarded.

H. S. K. K.

20/9/98

Madura Colln's
office.

Collector.
11/11/97

20/9/98

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Despatched.

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