[Finl. / 16]

250—7-8 99.

Financial (1899) Department.

ORDINARY M.S.

G.O., No. 670

DATED 8 - 6 - 99

R.

INDEXED. 3/4

[Despatch Abstract.]

Recording Pros: Toll dept: fixing the amount of fees to be paid to the Kazi of Madras in cases in which Govt: officers have occasion to obtain his opinion on questions of Mohammedan Law & custom.

BACK PAPERS.

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

FURTHER PAPERS.

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

Financial CURRENT NO. 2083.

Government {1899} of Madras.

POLITICAL.

A
10/6/99

Recd. } 7. 6. } 1899. *Enclosures*

Regd. *Spare copies*

G.O., No. 331, 24th May 1899.

Order No. 670 dt 8-6-99.
Mis

Recorded

MAY.

Copies sent to A.G. (secret) 10.6.99.
Audt. 9/6/99
Despd 10.6.99.

Kazi of Madras.

Directing that, in future, a minimum fee of Rs. 25 shall be paid to the — for each case in which Government officers may obtain his opinion on questions of Muhammadan Law and Custom, and stating that in special cases it will be open to officers to apply to Government for sanction to a higher fee.

WITH ORDER

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

Read—again the following papers :—

G.O., No. 1253, Judicial, dated 25th June 1881.

„ „ 804, Political, dated 13th November 1883.

G.O., No. 330, Political, dated 13th May 1885.

Abstract.—Informing Moulvie Obedulla Sáhib, Kazi of Madras, that Government is unable to comply with his request for either a continuance to him of a portion of his late father's stipend or an increased allowance therefrom to his mother.

G.O., Mis. No. 143, Political, dated 11th February 1899.

Read—the following paper :—

Proceedings of the Board of Revenue (Land Revenue), Mis. No. 3476, dated 7th December 1898.

Read—endorsement of J. N. ATKINSON, Esq., Collector of Madras, dated 19th July 1898, Ref. No. 238 (Petition), and reference thereon, No. 133 (Petition), dated 31st August 1898.

Read—letter from the same officer, dated 5th November 1898, Ref. on No. 628-G & B.

Resolution—Mis. No. 3476, dated 7th December 1898.

The petition from Moulvie Obedulla Sáhib, which is addressed to Government and has been forwarded with the Collector's endorsement first read above, will be submitted for the orders of Government.

2. The petitioner, who is the Kazi of the Sunis in Madras, appointed by Government under section 2 of India Act XII of 1880, urges that he has been rendering gratuitous service to public officers as well as to private individuals by giving them advice on difficult questions of Muhammadan Law and replying to their references on questions of marriage, divorce, inheritance, endowment, &c., besides discharging his legitimate duties as Kazi under the Act. He states that he once before applied to Government for the recognition of his services and the continuance in his name of a portion of the monthly stipend of Rs. 350 drawn by his deceased father, but that the Government disallowed his claim on the ground that his father's pension was only a life-grant. He now asks for a reconsideration of his case and the grant of a reasonable allowance "not necessarily from the lapsed stipend."

3. The Collector, Mr. Atkinson, while forwarding the petition to the Board, observed that although no stipend could be attached to the office of Kazi, the present incumbent (*i.e.*, the petitioner) had "considerable claims to a personal grant." On this the Board desired further information as to the number and nature of the references made to the petitioner by public officers and the extent of gratuitous work involved in replying thereto. The Collector now submits a tabular statement furnished by the petitioner himself on the subject. According to this statement, which the

Board has no means of verifying, the references in 1896 and 1897 amounted to 452 and 443, respectively. Of these, 330 and 332, respectively, were from both Civil and Criminal Courts, 119 and 110 were from private individuals for private purposes, and 3 and 1 from Government officers, such as the Collector, the Paymaster of Stipends and the Protector of Emigrants. The petitioner has since admitted that of the number of "references" shown as having been made by the Courts, the majority were from "vakils of parties under orders from the Civil and Criminal Courts." The Collector observes that as most of the items comprised in the statement appertain to suits in Courts of Law, the Kazi does not seem entitled to compensation on account of them from Government. It may be added that the Kazi is at liberty to demand a fee from private parties or their vakils who may require his opinion as that of an expert in Muhammadan Law; and if he is called upon to give evidence in the same capacity in Court, he should look to the Court for his allowances. The Collector also points out that in the file of original papers submitted by the petitioner himself he has found only six references made from Government officers, one in each of the years 1882, 1886, 1887, 1893, 1894 and 1896.

4. The Board is of opinion that the occasions on which the petitioner has been consulted by Government officers have been so few and far between that it is not necessary to consider the question of paying him a regular stipend for this addition to his ordinary duties; but if Government pleases, it may prescribe a fee which shall be paid to the Kazi by Government officers who may require his expert opinion in matters relating to Muhammadan Law and Custom.

(True Extract.)

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Endt. Mis. No. 113.

Transferred to the Judicial Department.

(By order.)

(Signed) N. E. MARJORIBANKS,
Ag. Under Secy. to Government.

6th January 1899.

Transferred to the Political Department.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

20*th January* 1899.

Order—Mis. No. 143, Political, dated 11th February 1899.

The Government agrees with the opinion expressed in paragraph 4 of the Proceedings of the Board of Revenue read above. The Board will be requested to suggest a scale upon which fees should be paid to the Kazi of Madras by Government officers who may require his expert opinion in matters relating to Muhammadan Law and Custom.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Board of Revenue (Land Revenue).

Read—also the following papers:—

Reference of the Board of Revenue (Land Revenue), No. 132, dated 7th April 1899.

With reference to G.O., No. 143, Political, dated 11th February 1899, the Collector of Madras reports that it is not possible to draw up any scale of fees to be paid to the Kazi on occasions when his expert opinion is sought by Government officers. Mr. Bradley considers, however, that in view of the Kazi's social position in the Mussalman community and of the paucity of references to him on questions of Muhammadan Law and Custom, a minimum fee of Rs. 25 may be fixed for every such reference with the proviso that the officer making it may, in special cases and for reasons given, propose a higher fee. The Board agrees with the Collector.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Endt. No. 1570-Revenue.

Transferred to the Political Department.

(Signed) N. E. MARJORIBANKS,
Ag. Under Secretary to Government.

26th April 1899.

From the Board of Revenue (Land Revenue), No. 1197, dated 11th May 1899.
" Collector of Madras, dated 12th May 1899, No. 313-G.A.B.

Order—No. 331, Political, dated 24th May 1899.

The Governor in Council directs that, in future, a minimum fee of Rs. 25 shall be paid to the Kazi of Madras for each case in which Government officers may obtain his opinion on questions of Muhammadan Law and Custom. In special cases it will be open to officers to apply to Government for sanction to a higher fee.

(True Extract.)

A Symington
for *Chief Secretary.*

To the Kazi of Madras.
" Board of Revenue.
" Departments of the Secretariat. (Financial)

Exd. A. F. Eccleston,

When given for copying ____
When copied ____ } 10/10 } 189 7/
When examined ____
When signed ____

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