M.R.O. 1—89,000—15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 274 Press ~~Mis.~~

168-169

Dated 20. 2. 1862 ~~19~~.

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th February 1862.

No. 168. Read the following Proceedings of Government in the Revenue Department, dated 14th February 1862, No. 318.

Communicating the Resolution of the Government of India, forwarding the Rules laid down by the Secretary of State on the subject of Government servants holding land in India. (Vide Proceedings Revenue Department, dated 14th February 1862, Nos. 313 & 314.)

No. 169. ORDER THEREON, 20th February 1862, No. 274.

Communicated to the Sudder Court in reference to paragraph 2.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Extract from the Proceedings of the Right Honorable the Governor General of India in Council, in the Home Department (Revenue), under date 14th January 1862, No. 256:—

Read the following correspondence on the subject of Government servants holding land in India :—

Revenue Consultation 20th January 1860, Nos. 1 to 3.
Revenue Consultation 7th April 1860, Nos. 1 to 5.
Revenue Despatch to Secretary of State, No. 6 of 1860, dated 2nd April.
Revenue Despatch from Secretary of State, No. 36 of 1860, dated 24th July.
Revenue T. S. Proceedings, 31st August 1860, Nos. 52 and 53.
Revenue Proceedings, 25th October 1860, Nos. 46 to 52.
Revenue Despatch to Secretary of State No. 37 of 1860, dated 25th October.
Revenue Proceedings, 26th October 1860, Nos. 53 to 55.
Revenue Despatch to Secretary of State, No. 38 of 1860, dated 26th October.
Revenue Proceedings, 31st October 1860, Nos. 70 and 71.
Revenue Despatch to Secretary of State, No. 39 of 1860, dated 31st October.
Revenue Proceedings, 8th March 1861, Nos. 1 and 2.
Revenue Despatch to Secretary of State, No. 5 of 1861, dated 8th March.
Revenue Despatch from Secretary of State, No. 22 of 1861, dated 10th August.
Revenue Despatch to Secretary of State, No. 16 of 1861, dated 1st October.
Revenue Despatch from Secretary of State, No. 29, dated the 30th of November 1861.

RESOLUTION.—In the Despatch No. 22, dated the 10th of August 1861, the Secretary of State lays down rules under which Government servants may hold landed property in India; and prescribes that in the case of Covenanted Civil servants, the possession by them of such property shall be contingent on its being situated out of the Presidency to which they are attached. This restriction is modified as regards the Presidency of Fort William by the subsequent Despatch of the 30th of November, No. 29, wherein the Secretary of State accords his permission to Officers of the Bengal Civil Service attached to the Lower Provinces acquiring and holding lands in the Upper Provinces, including the Punjab and Oude, and, similarly, to Officers attached to the Upper Provinces acquiring and holding lands in the Lower Provinces. In according this permission, the Secretary of State requires that Officers possessing lands in either Division of the Presidency shall be absolutely precluded from employment under the local Governments of the Division in which their lands are situated.

Resolved that the following Notification be Published in the *Calcutta Gazette* :—

FORT WILLIAM, HOME DEPARTMENT, REVENUE, the 14th January 1862.

NOTIFICATION.

The following orders passed by the Right Honorable the Secretary of State in Council on the subject of the possession of landed property in India by public servants are published for general information :—

1. *Extract from the Secretary of State's Despatch No. 22, dated the 10th August* 1861.

1.—I have had under my consideration in Council your Excellency's letters dated the 25th, 26th and 31st October 1860 (Nos. 37, 38, and 39), and 8th March (No. 5) 1861, on the subject of the possession of landed property in India by the public servants of the State.

* * * * * * *

4.—I have carefully considered in Council the entire subject, and I am now prepared on the part of Her Majesty's Government to lay down the following Rules for your future guidance. I I should premise that the Rules refer only to the acquisition or possession of lands intended to be applied to agricultural purposes, and are not to be construed to include lands occupied merely by buildings for residence and their usual appurtenances.

5.—Officers of the Covenanted Civil Service are at liberty to acquire and possess lands anywhere out of the Presidency to which they are attached, but are absolutely precluded from holding lands within their own Presidency. Thus, an Officer of the Bengal Civil Service may hold lands in Madras or Bombay, but cannot be permitted to hold lands in any part of the Bengal Presidency, notwithstanding that, at the time of their acquisition, he may himself be actually employed in a different Lieutenant-Governorship from that in which the lands may happen to be situated.

6.—Regimental Military Officers may hold lands in any part of India, with the distinct understanding, however, that a Military Officer possessing land will be disqualified for temporary employment in any Civil capacity in the District within which his land is situated; but Military Officers who are placed in permanent employment in the Civil administration must, like the Officers of the Covenanted Service, be prevented from holding land in the Presidency to any part of which they may be sent.

7.—No restrictions are to be placed on the possession or acquisition of lands by Uncovenanted Officers of any description, whether of European, Indo-British, or Native descent, beyond those now in force.

8.—Officers of all classes (including candidates for office) must, however, be required to make a declaration of the fact of their being in possession of, or of their having acquired, landed property, stating the district within which it is situated, with such other particulars as you may consider necessary, of which registers should be kept at the seat of Government of each Presidency or Lieutenant-Governorship. Although Uncovenanted Officers are not to be precluded from holding land, it may, nevertheless, be inexpedient that appointments which necessarily confer a considerable amount of power and influence on their occupants, such as those of Sudder Amín, Deputy Collector and Tahsíldár, should be filled by persons holding landed property within their jurisdiction; and it is right that the several Governments should always have at hand the information necessary to guide their judgment in selecting individuals for such offices.

9.—It will, moreover, be incumbent on the several local Governments to take care that no Officer who may be in possession of landed property in India, or elsewhere, to whatever class of the service he may belong, shall apply any portion of the time and attention which ought to be devoted to his public duties, whether Civil or Military, to the management of that property, and that longer or more frequent leaves of absence are not to be permitted on that account.

* * * * * * *

2. *Secretary of State's Despatch No. 29, dated 30th November* 1861.

WITH reference to the letter from your Excellency in Council, dated the 1st October last (No. 16), which has been considered by me in Council, I have resolved to accede to your recommendation for a modification of the terms of my Despatch of the 10th August last (No. 22), so far as to permit Officers of the Bengal Civil Service, attached to the Lower Provinces, to acquire and hold land in the Upper Provinces, including the Punjab and Oude. Similarly Officers attached to the Upper Provinces may be permitted to acquire and hold lands in the Lower Provinces of Bengal. It will of course be understood that such Officers possessing lands in either Division are absolutely precluded from employment under the Local Governments of the Division in which their lands are situated.

Ordered, that a copy of the foregoing Resolution be sent to the Local Governments noted on the margin, and to the Military and Public Works Departments for information, and to the Foreign Department for information and for communication to the Government of the Punjab, the Chief Commissioner of Oude, the Chief Commissioner of the Central Provinces, the Commissioners of Mysore, Pegu and the Tenasserim Provinces, and to such other Officers under the control of that Department as may be deemed necessary.

Government of Bengal.
Government of the North-Western Provinces.
Government of Fort Saint George.
Government of Bombay.
Government of the Straits Settlements.

(Signed) W. GREY,
Secy. to the Govt. of India.

ORDER THEREON, 14th February 1862, No. 318.

1. Ordered to be communicated to the several Departments of the Secretariat.

2. Ordered to be communicated also to the Board of Revenue for their information and guidance. They will report on the steps to be taken for the preparation of the Registers containing the information alluded to in paragraphs 8 and 9 of the Secretary of State's Despatch, dated 10th August 1861, No. 22.

(True Extract.)

Secretary to Government.

To the Public Secy., Department.
,, Judicial Department.
,, Military Department.
,, Board of Revenue.

Exd. S. T. Augustin.

Sent off 20 Feby.

274 Encl to Ex

Judicial 1862 Dept

Jo. 20-2-62 No 274

Proc: of Govt in

the Rev: Dept 318-763-

Rd 14th

Rd 17th & 20th Feby 1862

4 Spare Copies

No 311

Comg the Resolution
of the Govt of India
forwarding the Rules
laid down by the
Secy of State on the
subject of Govt ser-
vants holding lands
in India.

With an Order

1684 167

No 274 - 20th February 1862

Communicated to the

Sudder Court in reference

to para 2.

The Sudder Court. Dept 20th