

B 309 W 24.1.83
A. 3359 W 17.12.82

No 2045 Wd 26 July 83

Recorded

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25/7

I.W.C.W. 6109

From

The Sup of Engineer
1st Mich

To

The Chief Engineer
P.H. Department

Dated 14th
Despd 16th
Recd 23 } July 83

No 2045 Wd 26-7-83

Statement of lands
held by covenanted
Civilians, Military Officers
in Civil employ & all persons
holding offices ordinarily
held by Officers of these
Classes.

E.7.C 203/7

W. H. Borden
Subd to Secy of the Dept

Superintending Engineer's office
1st circle - Dowlaitharam
14th July 1883

From the Supg. Engineer
1st circle

To the Chief Engineer
Public Works Dept.

Reference - G.O. No 3359/W
of 19-12-82 and G.O. No 309/W
of 29-1-83 —

Statement of lands
held by covenanted
civilians, military
officers in civil employ
and all persons holding
offices ordinarily held
by officers of these classes.

Nil

C. P. D. Swell

Offg Supg Engineer
1st circle

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1882) Madras.
PUBLIC WORKS.

Dated December, 19th.

Recd.

Encl.

G.O., 19th Dec. 1882, No. 3359 W.

DECEMBER.

Nos. 135-136.

Acquisition of Land.

Rules relating to the — by Covenanted
Civilians, Military Officers in civil employ,
and all persons holding offices ordinarily
held by officers of these classes.

19TH DECEMBER 1882, No. 3359 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

No. 135.

READ—the following paper :—

Proceedings of the Revenue Department, dated 1st December 1882, No. 1357.

No. 136.

ORDER—dated 19th December 1882, No. 3359 W., Public Works.

Ordered to be communicated for information and guidance to all officers of the Public Works Department holding the positions specified in the rules, viz., Covenanted Civilians (if any), Military Officers in civil employ, and all persons holding offices ordinarily held by persons of these classes.

2. The annexed form of receipt will be signed by each officer concerned and forwarded to the Secretary to Government, Public Works Department, for custody.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

(True Copy)

C. H. M. Captain R.E.

Ag Under Secy W.D.
P.W.D.

Lo Ball J. H. M. R.E. (return)

Exd. C. Howarth.
Spare Copies

Govt. of (1882) Madras.
REVENUE.

Issued

Recd.

Encl.

G.O., 1st December 1882, No. 1357.

DECEMBER.

Acquisition of Land.

Rules relating to the — by Covenanted Civilians, Military Officers in Civil employ, and all persons holding offices ordinarily held by officers of these classes, ordered to be republished in the Fort St. George Gazette and a copy furnished to every officer concerned and his receipt for it taken.

information in respect of such lands is given to the Local Government, which will consider in each case, whether the fact of an officer holding any particular lands need be a bar to his employment in the district where these are situated. No fresh purchase of land should, however, be allowed on the part of a member of the Native Civil Service without the previous sanction of the Local Government under which he is serving.

(True Copies.)

(Signed) E. F. WEBSTER,
Secretary to Government.

Exd. W. H. French.

800 Copies.

that they are in any way making private profit out of the opportunities given by their official position, in that event the Government can, of course, recognise no difference whatever between these and other servants of the State.

Extract, paragraph 4, of Despatch from the Secretary of State, No. 99, dated the 26th August 1873.

Para. 4. I fully approve of the orders which have been issued by Your Excellency in Council, on the general question of investments by Covenanted Civilians and Military Officers in civil employ.

RESOLUTION.

The Governor-General in Council desires that the foregoing extracts be forwarded to the Local Governments and Administrations, for information and for circulation to all officers affected by the present orders, or holding a position in which they are likely to be so affected.

2. His Excellency in Council is pleased to determine, in continuation of preceding orders upon the same subject, that Covenanted Civil Servants and Military Officers in civil employ, and all persons holding civil offices ordinarily held by Covenanted or Commissioned Officers of the two classes aforesaid, are prohibited henceforward from acquiring or holding land within the Province with the administration of which they are concerned, whether that connection be permanent or temporary. This order will not necessarily take retrospective effect.

3. With regard to investments of any kind by public servants, it is hereby notified that the rules and general principles contained in the 6th and 7th paragraphs of the despatch to the Secretary of State, and in the enclosures to which they refer, will henceforward be acted upon by the Government, and are to be observed by all officers, of every rank and class, in the public service.

ORDER.—Ordered that a copy of this Resolution be forwarded to the several departments of the Government of India, to the Local Governments and Administrations, to the Superintendent of Port Blair and the Nicobar Islands, and to the Director-General of the Archaeological Survey of India, for information and guidance.

(True Extract.)

(Signed) A. C. LYALL,
Secy. to the Govt. of India.

Extract from the Proceedings of the Government of India in the Home Department (Public), dated Fort William, 17th March 1882, No. 11—426-37:—

Para. 3. As regards the holding of lands, the case is different, inasmuch as members of the Native Civil Service do at the present time in some cases hold land in the Provinces in which they are employed, and it appears unnecessary to require them to divest themselves of such land or to prevent them from acquiring additional landed property, provided that certain restrictions are observed. In these respects the rules at present applicable to members of the Covenanted Civil Service may, in the opinion of the Government of India, properly be relaxed in the case of members of the Native Civil Service, who should be permitted to hold any lands actually in their possession when they enter the service of Government or which may come into their possession thereafter by inheritance, gift, or devise, provided that full

information in respect of such lands is given to the Local Government, which will consider in each case, whether the fact of an officer holding any particular lands need be a bar to his employment in the district where these are situated. No fresh purchase of land should, however, be allowed on the part of a member of the Native Civil Service without the previous sanction of the Local Government under which he is serving.

(True Copies.)

(Signed) E. F. WEBSTER,
Secretary to Government.

Exd. W. H. French.

800 Copies.

literal meaning. And the literal meaning of the general rules which curtail the right of Covenanted and Commissioned Civil Officers to acquire land is still only this, that the land must not be within the Presidency to which they were first appointed. Thus an officer who, like an Accountant-General, may be sent to serve in any Province or Presidency, or who, like a Secretary to the Government of India or Member of the Supreme Government, may be officially connected with all Provinces, is only debarred by the haphazard of his first appointment from holding land in one particular Presidency, whether he be actually serving in it or not. Nor is it absolutely certain, according to the letter of the rules (though according to their spirit there may be no doubt), that the present Chief Commissioner and Judicial Commissioner of British Burmah, being both Bengal Civilians, are incapable of holding land in that Province, which is separate from the Bengal Presidency.

4. We have determined that it is expedient to remove these doubts and inconsistencies by amending the rules, so as to bring them back into direct correspondence with their original objects and motives. The reasons why certain officers in civil

† See despatch of Supreme Government to Secretary of State, No. 6, dated 2nd April 1860.

employ were forbidden to hold land in their own Presidency are: (1) because their attention might be diverted from public to private business to the detriment of public business; and (2) because they might use (or be suspected of using) their official influence unduly, for their own benefit and to the disadvantage of others, in the management of their estates. But these reasons obviously apply with equivalent force wherever an officer holds land and public office in the same province; wherefore we desire to pass the plain rule that henceforward no officer (Covenanted or Military in civil employ) shall hold land in a Province with the administration of which he is in any manner connected. If this rule is approved, then the aforesaid Civil Officers will be precluded from taking office which gives any sort of jurisdiction over any part of a Province within which they may hold land, and (conversely) from holding or acquiring land within the territorial limits of the Province in which they may be serving, temporarily or permanently. In fact they must choose, upon any transfer or fresh appointment which raises the dilemma, between holding office and holding land: they cannot hold both in one Province. But we do not wish to give the new rule retrospective effect, or to make it interfere with the right of Civil Officers to keep land which they have already acquired under the permission given by preceding regulations, though, in the event of promotion to high administrative positions, such officers may be expected to take an early opportunity of conforming to the general rule in force. And it should be here noted that we propose to retain, for the purposes of these rules, the definition of land-holding which was framed by Sir C. Wood* whereby it is taken to mean only the acquisition of land intended for cultivation, not of land occupied by buildings for residence. Whether land can be held for commercial speculation is a different question, which we touch upon toward the end of this letter.

* Despatch, 10th August 1861.

5. We are aware that the effect of the broad rule which we have now proposed will be to hamper greatly any safe investment in land in India by officers who are liable to serve in different Presidencies and Provinces. And we admit that it must operate to discourage civil officers generally from making these investments anywhere, for the land must always be held at a considerable distance and on a precarious tenure, since in these days transfers from one Presidency or Province to another are much less rare than formerly. Nor do we overlook the arguments, often urged heretofore, that there is some actual advantage in associating under due precaution official position with landed interest in the country. But it has long been decided that these considerations are more than counterbalanced by the disadvantages accompanying the possession of land in a Province by officers who belong to its civil administration. This being the case, we feel the necessity of making one plain rule that shall be logical and consistent; and we observe that the extension which we propose to give to the prohibiting rule already in force, will only affect comparatively small sections of the whole body of civil officers. That is, it will affect those only who are liable to serve beyond the limits of the Presidency

to which they were first appointed, or who may be officially connected with districts beyond those limits. It may, if unreservedly enforced, prevent a member of the Supreme Government from holding any land at all in India; although we do not pledge ourselves to enforce it thus absolutely, or without making special exceptions in cases which are plainly unobjectionable. We propose to bring under the same category with Covenanted Civilians and Military Officers in civil employ, all persons holding offices ordinarily held by officers of these classes. The amended rule will then run to the effect that no such Civil Officer shall acquire, or continue to hold, land in any Province to which he is temporarily or permanently appointed, or with the administration of which he is concerned. And we intend to preserve unchanged all the other rules which have from time to time been passed in restraint of land-holding by different classes of public servants in various situations.

6. In regard to all investments other than those in land for the profits of cultivation, we have adopted and propose to notify the general principle that servants of Government are expected to abstain from any investment (though of itself unobjectionable) which interests them privately in affairs or undertakings of the kind with which their public duty is connected. The principle is well known and the reasons for it are obvious, but we have latterly found cause for believing that it should be re-asserted distinctly.

7. We have recently been asked to consider the question of *speculative* investments by public officers, which is on some sides of it cognate to the subject of this letter; but we take it to be on the whole a different matter requiring different treatment. For, although we can frame a precise rule demarcating the limits within which land should or should not be held by public servants, and although it is easy to say that a Financial officer must not hold shares in a Bank within his circle, or a Consulting Engineer Railway shares; yet we do not propose to go farther, and to attempt any literal definition of the stage at which the holding of land or other valuable property becomes speculative. We need only remark that while land-holding and other investments are under certain conditions forbidden to public servants as a necessary precaution against evils (one of which is speculation) that may possibly follow, habitual speculation by officials is held by us to be an evil in itself. And we have given notice that we reserve to the Government full power to deal stringently with the practice whenever it appears to prevail.

8. We enclose copies of correspondence with the Government of Bengal* upon the advisability of endeavouring to frame a definition of the term which shall include all transactions by a public servant, which a Government may properly disapprove. We are of opinion that no such fixed rule of conduct is really needed, either by Government or by their officers, for their guidance in this matter.

From C. E. BERNARD, Esq., Officiating Secretary to the Government of Bengal, Appointment Department, to H. L. DAMPIER, Esq., Officiating Secretary to the Government of India, dated Calcutta, the 30th December 1872, No. 1445-G.

Referring to the notification of the Government of India in the Home Department, dated 28th August 1872, and published at page 814 of the *Gazette of India* of the 31st idem, on the subject of prohibiting public officers from engaging in speculations in India, I am directed to submit that the notification seems to the Lieutenant-Governor to put Local Governments in a position from which they may fairly ask to be relieved by a more exact definition as to what are the speculations which public officers may, and what they may not, engage in. I am to point out that it is notorious that, since the publication of the Despatch of 1862, very many officers have engaged in what is commonly termed speculation, that is to say, in the

days of the company mania they applied for allotments in the shares of many companies, real and bubble; they took shares in tea estates, mines, mills; sometimes they bought and sometimes they sold.

2. The Lieutenant-Governor finds it impossible to draw a line between permanent investments and purchase with a view to resale, it being only a question of degree. It can be only said that it was commonly believed that some officers in Calcutta (and it is believed still more in Bombay) went into these things to such an extent that they were commonly spoken of in society as much addicted to speculation. Yet His Honor is not aware that action was taken or precise rule laid down. Such times may recur, and isolated cases probably do occur; many servants of Government still hold shares in many undertakings, public and private, and the Lieutenant-Governor does not know what is to be considered a speculation and what not.

3. There are, moreover, certain public officers who also engage in private business, *e.g.*, law officers, and some, as the Administrator-General, who apparently have always held themselves entitled publicly to serve as directors of public companies.

From A. C. LYALL, Esq., Secretary to the Government of India, to C. E. BERNARD, Esq., Officiating Secretary to the Government of Bengal, Appointment Department, dated Fort William, the 10th April 1873, No. 1495.

I am directed by the Governor-General in Council to reply to your letter, No. 1445-G, dated 30th December last, desiring some definition of the term "speculation" for use in applying the rule which prohibits officers from engaging in it.

2. The question here raised by His Honor, points evidently to cases which lie beyond those particular dealings which are already prohibited by rule, such as investment in land within the district to which an officer belongs, connection with the management of any bank or business, and other transactions barred by specific order. His Honor now inquires whether the Supreme Government would lay any formal restriction upon speculative investments generally, so as to regulate precisely what an officer may or may not do.

3. I am to reply that His Excellency in Council would not attempt to shape, for public servants, any such fixed rule of conduct in this matter. If it were possible to devise such a rule, the expediency of doing so would be questionable, for His Excellency believes that, in practice, the spirit of existing orders is beyond mistake,—that it never can be really misconceived by officers in the service, and, therefore, that there can be no practical difficulty about enforcing these orders as they now stand.

4. The Government of India consider that there exists an essential difference between permanent and speculative investments, that the distinction is one of motive and that the frequency of a man's purchase and sales may be, and usually is, very good evidence of his motive in effecting them. If an officer habitually buys and sells securities of a value notoriously fluctuating, it is clear that he is addicted to speculation, and he thereby undoubtedly lays himself open to the disapproval of Government, which can be expressed in various ways, and in a degree proportionate to the nature of the dereliction. If he engages in such pursuits to an extent which attracts public notice and unfavorable remark, so that his integrity or his application to his public duties is discussed and doubted, then he has given rise to a scandal with which the Government will have to deal.

5. His Excellency believes that these general instructions will be found to govern all the cases to which your letter alludes, and, if so, to those cases they may be applied. In regard to officers whose whole time is not at the disposal of Government, they are not in precisely the same category with other public servants; nevertheless, if their behaviour gives rise to scandal, that is, to common rumour

that they are in any way making private profit out of the opportunities given by their official position, in that event the Government can, of course, recognise no difference whatever between these and other servants of the State.

Extract, paragraph 4, of Despatch from the Secretary of State, No. 99, dated the 26th August 1873.

Para. 4. I fully approve of the orders which have been issued by Your Excellency in Council, on the general question of investments by Covenanted Civilians and Military Officers in civil employ.

RESOLUTION.

The Governor-General in Council desires that the foregoing extracts be forwarded to the Local Governments and Administrations, for information and for circulation to all officers affected by the present orders, or holding a position in which they are likely to be so affected.

2. His Excellency in Council is pleased to determine, in continuation of preceding orders upon the same subject, that Covenanted Civil Servants and Military Officers in civil employ, and all persons holding civil offices ordinarily held by Covenanted or Commissioned Officers of the two classes aforesaid, are prohibited henceforward from acquiring or holding land within the Province with the administration of which they are concerned, whether that connection be permanent or temporary. This order will not necessarily take retrospective effect.

3. With regard to investments of any kind by public servants, it is hereby notified that the rules and general principles contained in the 6th and 7th paragraphs of the despatch to the Secretary of State, and in the enclosures to which they refer, will henceforward be acted upon by the Government, and are to be observed by all officers, of every rank and class, in the public service.

ORDER.—Ordered that a copy of this Resolution be forwarded to the several departments of the Government of India, to the Local Governments and Administrations, to the Superintendent of Port Blair and the Nicobar Islands, and to the Director-General of the Archaeological Survey of India, for information and guidance.

(True Extract.)

(Signed) A. C. LYALL,
Secy. to the Govt. of India.

Extract from the Proceedings of the Government of India in the Home Department (Public), dated Fort William, 17th March 1882, No. 11—426-37:—

Para. 3. As regards the holding of lands, the case is different, inasmuch as members of the Native Civil Service do at the present time in some cases hold land in the Provinces in which they are employed, and it appears unnecessary to require them to divest themselves of such land or to prevent them from acquiring additional landed property, provided that certain restrictions are observed. In these respects the rules at present applicable to members of the Covenanted Civil Service may, in the opinion of the Government of India, properly be relaxed in the case of members of the Native Civil Service, who should be permitted to hold any lands actually in their possession when they enter the service of Government or which may come into their possession thereafter by inheritance, gift, or devise, provided that full

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again paragraph 5 of G.O., 15th October 1881, No. 1538.

Paragraph 5. The general subject of public servants holding lands is under the consideration of Government.

READ—also the following telegram from the Government of India, Revenue and Agricultural Department, to the Secretary to Government, Revenue Department, dated Simla, 29th September 1882:—

“Your telegram of 27th regarding acquisition of land by Government servants. Government of India are averse to any alteration of existing orders.”

ORDER—dated 1st December 1882, No. 1357, Revenue.

Miscellaneous.

Resolved that a copy of the annexed rules now in force relating to the acquisition of land by Covenanted Civilians, officers of these classes, be republished in the *Fort St George Gazette* for the information and guidance of all officers concerned.

2. Ordered also that a copy of the rules be furnished to every officer, whose name now appears in the list of members serving in any of the capacities specified in the foregoing paragraph, for information and guidance. Further, a copy will be furnished by the Chief Secretary to every Junior or Probationary Civilian on his arrival in India, or on his appointment, respectively. A receipt will be given for the paper and recorded in the Government Office. The Head of every Civil Department shall hand a copy (a) to every Military Officer joining the Department, and take a receipt from such officer; also (b) to every person appointed to any office in his Department which is ordinarily held by a Covenanted Civilian or a Military Officer. Where a person not being a Covenanted Civilian is appointed to be the Head of a Department ordinarily presided over by a Covenanted Civilian or a Military Officer, the paper will be furnished to him, and his receipt for the same taken charge of, by the Secretary to Government in the proper branch.

3. Every officer affected by this order will submit to Government, through the Board of Revenue or the Head of his Department, as the case may be, a yearly return describing exactly his interest in landed property within the Presidency,

or the Feudatory States under the supervision of the Governor in Council, and will also declare that no land is held for him by any one else.

(True Extract.)

(Signed) E. F. WEBSTER,
Secretary to Government.

- To the Chief Secretary to Government.
 „ Secretary to Government, Military Department.
 „ Secretary to Government, Public Works Department.
 „ Private Secretary to His Excellency the Governor.
 To all Members of Covenanted Civil Service.
 „ Military Officers in civil employ.
 To the Board of Revenue.
 „ Settlement Department.
 „ Superintendent of Revenue Survey.
 „ Conservator of Forests.
 „ Inam Commissioner.
 „ Commissioner of Salt Revenue.
 „ Superintendent, Government Press.

No. 241.

REVENUE.

14th January 1862.

NOTIFICATION.—The following orders passed by the Most 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 Most Honorable 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 should premise that these 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.

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.

Extract from the Most Honorable the Secretary of State's Public Despatch, No. 46, dated 31st May 1862.

Para. 2. You will have learned from my Despatch to the Government of Bombay, dated the 8th April last, No. 11, that, in connection with the orders of that Government of the 26th November 1861, relative to the case of public officers who might take part in any company formed for working the Gold Mines in the Dummul Hills, I stated that, "as a general rule, I see no objection to servants of Government holding shares in mining or other companies having for their object the development of the resources of the country; and the only restriction I think it necessary to impose, is, that public servants shall take no part in the management of such institutions, and shall not be employed in the districts where the operations of the company be carried on."

3. With the exception of the concluding proviso, that no public officer shall be employed in any district where any company, in which he holds shares, may carry on its operations, the sentiments above expressed are in accordance with the opinions recorded by Earl Canning and the several Members of your Council; and, as I think it important that this condition should be maintained, I have to direct that my decision, communicated in the terms above quoted to the Government of Bombay, may be made generally applicable, and may be published for general information.

4. There can be no doubt as to the great evil of public servants in India engaging in speculations in the public funds, or in the shares of Joint Stock Companies; but I agree in the opinion of Lord Canning that such a practice, on the part of any officer, could not long escape the knowledge of Government, and that it would be in the power of Government to mark its sense of such conduct, either by withholding promotion, or in any other way it might deem fit.

Extract from the Most Honorable the Secretary of State's Revenue Despatch, No. 22, dated 25th November 1862.

Para. 3. In your letter of the 8th May (No. 10), you request to be informed whether a Covenanted civilian may hold shares in a Joint Stock Company formed for agricultural purposes, such as Tea, or Coffee cultivation, in his own Presidency. This question is sufficiently answered in my Public Despatch of the 31st May (No. 46), 1862, which you would have received shortly after the date of your reference.

4. As regards the question whether a Covenanted Madras Civilian may hold land in Mysore, Coorg, Cochin or Travancore, I agree with your Government in viewing with disapproval the holding by Covenanted Civil Servants of lands in Native States; and I consider that the same objection applies to the holding of such lands by Military Officers in the actual service of the Crown in India.

5. The right of Officers, Civil or Military, to hold shares in the Agricultural Companies operating in Native States may be regulated by the same rules as apply to their holding shares in similar companies within the British territories.

Read—the following Endorsement of the Under Secretary to the Government of India, dated Home Department, Revenue, 21st August 1863, No. 5275:—

Read—the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India (Revenue), to His Excellency the Right Honorable the Governor-General of India in Council, dated India Office, London, 9th July 1863, No. 17:—

MY LORD,

1. I have had under my consideration in Council the letter from your Excellency in Council, dated the 29th April last (No. 9), relative to the holding of lands by Public Officers in India, in territories not under the direct sovereignty of the Crown.

2. The insertion of Coorg among such territories was an inadvertence, arising doubtless from the circumstance that that district is, for reasons of convenience, administered by the Commission of Mysore.

3. You have correctly interpreted the orders conveyed in my Despatch of the 25th November last (No. 22), in considering that the case of the Surgeon of the Mysore Commission must be governed by the general rule which prohibits both Civil and Military Officers from holding lands in Native State.

NOTIFICATION.

Fort William, Home Department, the 21st August 1863, No. 5263.

1. Under the orders of the Secretary of State, published in the Calcutta Gazette of the 17th January 1863,* Public Officers in India

* Notification, No. 383, dated 16th January 1863.

are prohibited from holding lands in territories not under the direct sovereignty of the Crown, such as "Mysore, Coorg, Cochin, or Travancore."

2. The inclusion of the territory of Coorg in the list of Native States above mentioned was an inadvertence, Coorg being British Territory, though administered for reasons of convenience by the Commissioner of Mysore.

(Signed) E. C. BAYLEY,
Secy. to the Govt. of India.

No. 13—467.

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Fort William, the 13th February 1874.

Read the subjoined extracts from a correspondence with Her Majesty's Secretary of State for India, on the subject of the holding of land by Government servants in India and of other investments:—

Extract, paragraphs 3 to 8, of despatch to the Secretary of State, No. 40, dated the 16th June 1873.

* * * * *

Para. 3. The main rule which we propose to alter is that which deals with the holding of land in India by covenanted civilians and by military officers in civil employ. The general rule now is that no such civil officer may hold land within his own Presidency. The correspondence which has only just ended, raised the point whether officers belonging to the Financial Department, who are liable to serve in any Presidency or Province, are debarred under this rule, or under any other, from holding land anywhere in India beyond their own Presidency. And the reply of the Secretary of State, in his despatch

* No. 74, dated 15th December 1866.

marginally cited,* was that the prohibition (imposed by the general rule above quoted) does not apply to districts in which officers of the Financial Department may be temporarily serving, outside the limits of the Presidency to which they were originally appointed. By the wording of this reply the ruling which it conveyed applied only to the case of the Financial

† No. 21, dated 13th July 1866.

Department, but the letter† from this Government, which submitted the case, had pointed out that "under the literal terms of the rules it is clear that a Bengal Civil Servant may ordinarily acquire and hold land in British Burmah." And, though the answer from the Secretary of State may be understood to assume that an officer connected with the Local Administration of a Province outside the limits of his original Presidency is forbidden by the spirit of existing rules from holding land within that Province, yet this important construction is not positively laid down either in the despatch from the Government of India, or in the Secretary of State's reply to it. Practically, and especially in delicate and closely-contested cases, a rule is only effective within the range of its

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., dated 1st December 1882, No. 1357:—

Miscellaneous.

Ordered that the following Notification be published in the *Fort St. George Gazette*:—

NOTIFICATION.

The Right Honorable the Governor in Council directs that the yearly return of lands held by Covenanted Civilians and Military Officers in civil employ, called for in paragraph 3 of G.O., dated 1st December 1882, No. 1357, Revenue Department, be submitted at the beginning of each year, so as to reach the Government Office at the latest by the 31st of January. District Judges will submit their returns direct to Government.

(True Extract.)

(Signed) P. P. HUTCHINS,
Acting Secretary to Government.

To the Chief Secretary to Government, Public Department.
" Judicial Department.
" Secretary to Government, Military Department.
" Do. do. Public Works Department.
" Private Secretary to His Excellency the Governor.
" Board of Revenue.
" Director of Revenue Settlement and Agriculture.
" Superintendent of Revenue Survey.
" Conservator of Forests, Southern Circle.
" Do. do. Northern do.
" Inam Commissioner.
" Commissioner of Salt Revenue.

Exd. J. Henricus.

500 Copies.

Gobt. of 1883 Madras.

REVENUE.

No 309 w of 29th Jan'y/83.

Communicated

to the officers concerned
in Continuation of G.O.
3359 w of 19th Decr/82

Sd/- J. P.
D.S.

Issued

Recd.

Encl.

G.O., 9th January 1883, No. 25A.

JANUARY.

B. No 309 w of 29th Jan'y/83

Lands

held by Covenanted Civilians and Military
Officers in civil employ.—Notification regarding
the submission of the yearly return of —, ordered
to be published in the Fort St. George Gazette.

With order

PUBLIC WORKS DEPARTMENT

RECEIPT.

I hereby acknowledge the receipt of a copy of the orders of Government in the
Revenue Department, No. 1357, dated 1st December 1882, on the subject of the
acquisition of land by certain classes of public servants.

(Date.)

(Signature.)

C. E. for d.
C. E. for Nys.
Sx: P.W.A.
Sx: Nys. acct
S. E's
Genl Supt. P.W. Stores
C.A. to Govt