

No 1434

Govt. of 1884 Madras.
PUBLIC.

20. S.C.

Issued

Recd. 15/2/84

Encl.

G.O., 5th February 1884, No. 186.

No 505 W a/22nd Feby/84

FEBRUARY.

Sale of Property.

Sanctioning the purchase by Lieutenant-Colonel Kilgour, Superintendent of Police, Madras, of a horse and cart from one Ramachandra Sastry, and directing that G.O., No. 1406 of 1881, be reprinted and communicated to all heads of departments.

No 505 W a/22nd Feby/84

Communicated
to the officers of the
Public Works Dept.

Cy.
15-2-84

W
15-2-84

C. E. for J.
C. E. for K.
S. E.
C. A. to J. for
Ex. P. W. a.
Ex. R. y. a. u.
J. n. l. h. p. l. P. W. S.

24/2

19/2/84
20/2

With order
Entered in Receipt Register

With order
Subd. in Receipt Register

5TH FEBRUARY 1884, No. 186, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From Lieutenant-Colonel F. KILGOUR, Superintendent of Police, Madura,
to the Inspector-General of Police, dated 17th January 1884, No. 34.

I have the honor to report that on the 16th ultimo when at Palni, I purchased
from Ramachandra Sastry, Overseer, Public Works department, a horse and bamboo
cart for Rs. 400.

2. Having failed to observe the concluding paragraph of G.O., 6th November
1868, No. 1386, I did not apply for an order from Government permitting the
purchase.

3. I therefore now make the requisite application, and beg to state that I had no
previous acquaintance, either officially or privately, with Ramachandra Sastry. The
amount I have paid is I believe to be a fair price.

E. No. 390.

Endorsement on the above.

Forwarded for the orders of Government, agreeably to G.O., No. 1437, dated the
23rd September 1881, Public department—*Fort St. George Gazette*, page 534, Part I,
1881.

MADRAS,
24th January 1884.

(Signed) T. K. GUTHRIE,
Acting Inspector-General of Police.

To the Chief Secretary to Government, Fort St. George.

ORDER—dated 5th February 1884, No. 186, Public.

Sanctioned. G.O., 15th October 1881, No. 1406, will be reprinted and communi-
cated to all heads of departments.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Inspector-General of Police.
„ all heads of departments.

[Annexure.]

ANNEXURE.
GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

15th October 1881, No. 1406.

READ—the following paper :—

Proceedings of the Government of India, Home department (Public), dated
Simla, 23rd September 1881, No. 1437.

NOTIFICATION.

The following Resolution of the Foreign department containing rules regarding the sale of property to Natives by British officers, whether Civil, Military, or Uncovenanted, is republished for general information :—

Extract from the Proceedings of the Government of India in the Foreign department, No. 1667, dated 30th September 1868.

RESOLUTION.—His Excellency the Viceroy and Governor-General in Council observes that these references originated with a case which occurred at Allahabad, where an officer wished to part with his house to a Native, under circumstances not open to any suspicion, and with a remark from the Home department to the effect that some change or relaxation of the rule which prohibits the sale of property to Natives by public servants under any circumstances seemed desirable. At present, under the Notification of the 3rd of December 1858, drawn up in consequence of the orders of the late Court of Directors, sales of property to Natives are strictly prohibited, and officers are thereby directed to refer all transactions in regard to which they have any doubts for the orders of superior authority.

2. His Excellency in Council observes that the weight of authority on the part of the various Administrations and Departments which have lately been consulted on this subject is decidedly in favor of some modification of the existing rule, or, at least, of more clearly and accurately defining the course to be pursued in such cases. There can be no doubt that the restrictions imposed hitherto on such transactions have been, to a certain extent, beneficial, and that the Government of India, though it can place a full reliance on the fair dealing, honor, and integrity of its Civil and Military Services, has a right to expect, not only that all such transactions shall be correct and unimpeachable in themselves, but that they shall not run any risk of misconstruction at the hands of designing, ignorant or credulous persons.

3. The Government of India is also well aware, as pointed out by some of the high authorities consulted, that many officials who, on joining their stations, have become the owners of houses either under an absolute necessity, or from laudable motives of convenience and comfort, may, on quitting the district or province to which they have been for some time attached, literally find no purchasers for their property, except Natives of wealth or substance. When such transactions openly and avowedly take place, no evil consequences, His Excellency in Council thinks, need ever ensue under proper precautions.

4. The following rules have therefore been drawn up in supersession of the existing rule, and are hereby published for general information. They must be considered applicable to European public servants of all descriptions, Civil, Military, and Uncovenanted.

5. I.—Whenever a public servant wishes to dispose of a house, bungalow, elephant, horse or carriage, or other valuable property, to any Native within his jurisdiction, or within the limits of the district in which he is employed on the public service, and from which he is not about to remove, he must report his intention to the local Government to which he is subordinate, stating the facts and circumstances and the price offered for the article to be sold. The local Government will then pass such orders on the reference as may seem fit and proper.

II.—Whenever a public servant is about to quit his station or district permanently, or for a considerable period, and wishes to dispose of his house, bungalow, elephant, carriages and horses, and the like property of value, to Native purchasers, he shall report his intention to the Commissioner or the head local authority to which he may be immediately subordinate, and that authority will use its discretion in allowing the transaction, or in reporting the circumstance to the local Government for further orders.

III.—Whenever a public servant, on quitting his station or district, wishes to dispose of his furniture, household goods, live stock, &c., he is at full liberty to do so either by circulating lists of such property amongst the community generally, or by having the same put up to public auction, without reference to any authority whatever. All that is necessary is that the transaction should be open and patent to everybody on the spot.

IV.—Rule No. I is to be considered applicable to purchases equally with sales.

6. The observance of the above rules will, His Excellency in Council thinks, fully meet the inconveniences and exigencies to which gentlemen of acknowledged honor and probity would be put on many occasions if debarred from such transactions; while, at the same time, they will be a sufficient safeguard against any abuse, any imputation of unfair or interested dealings, or any possibility of misconception on the part of the non-official community.

(Signed) A. MACKENZIE,
Offg. Secy. to the Govt. of India.

No. 44-1444.

Copy forwarded to all departments of the Government of India, to local Governments and Administrations, and to the heads of offices subordinate to the Home department.

(Signed) F. C. DAUKES,
Under Secy. to the Govt. of India.

ORDER—dated 15th October 1881, No. 1406, Public.

The notification will be republished in the *Fort St. George Gazette*, it being understood that the Board of Revenue is the authority in this Presidency which is to be referred to in cases falling under paragraph 5, clause II.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Revenue department.
„ Board of Revenue.

No. 505 Wa/22-2 July 1884

Comm^d to the officers
of the P.W.D.
(S.) J.S.S.

For J.
C. P. R.
S.
A. to Govt.
Ex. P.W. Sects.
Ex. P.W. Sects.
Genl. Supt. P.W.D.

Govt. of (1884) Madras.
PUBLIC.

Issued
Recd. Encl.

G.O., 5th February 1884, No. 186.

G.O. No. 505 Wa/22/2 Jan

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With order

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3. I therefore now make the requisite application, and beg to state that I had no previous acquaintance, either officially or privately, with Ramachandra Sastry. The amount I have paid is I believe to be a fair price.

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MADRAS,
24th January 1884.

(Signed) T. K. GUTHRIE,
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(True Extract.)

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Chief Secretary.

To the Inspector-General of Police.
„ all heads of departments.

[Annexure.]

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2. His Excellency in Council observes that the weight of authority on the part of the various Administrations and Departments which have lately been consulted on this subject is decidedly in favor of some modification of the existing rule, or, at least, of more clearly and accurately defining the course to be pursued in such cases. There can be no doubt that the restrictions imposed hitherto on such transactions have been, to a certain extent, beneficial, and that the Government of India, though it can place a full reliance on the fair dealing, honor, and integrity of its Civil and Military Services, has a right to expect, not only that all such transactions shall be correct and unimpeachable in themselves, but that they shall not run any risk of misconstruction at the hands of designing, ignorant or credulous persons.

3. The Government of India is also well aware, as pointed out by some of the high authorities consulted, that many officials who, on joining their stations, have become the owners of houses either under an absolute necessity, or from laudable motives of convenience and comfort, may, on quitting the district or province to which they have been for some time attached, literally find no purchasers for their property, except Natives of wealth or substance. When such transactions openly and avowedly take place, no evil consequences, His Excellency in Council thinks, need ever ensue under proper precautions.

4. The following rules have therefore been drawn up in supersession of the existing rule, and are hereby published for general information. They must be considered applicable to European public servants of all descriptions, Civil, Military, and Uncovenanted.

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(Signed) A. MACKENZIE,
Offg. Secy. to the Govt. of India.

No. 44-1444.

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Under Secy. to the Govt. of India.

ORDER—dated 15th October 1881, No. 1406, Public.

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(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Revenue department.
„ Board of Revenue.

P. W. Deptt.

Govt. of {1884} Madras.
PUBLIC.

N^o 505 Wd/22nd Feby/84

Communicated to
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(Signed) J. H. S.

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Ex^d P. W. Accts.

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