

- (1) பக்கங்களின் எண்ணிக்கை 8
 (2) புதுக்கித் திருப்பிய நாள் 12-12-84
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் *long* ✓

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1889-w	அச்சகம் பலவகை
நாள் :	14-7-1890	128

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

G.O., dated 25th April 1888, No. 992, Judicial.

* * * * *

Para. 3. The subject of land-holding by Uncovenanted officials will be further dealt with in the Public Department.

From A. P. MacDONNELL, Esq., C.S.I., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, 11th September 1888, No. 33—2405.

In paragraph 5 of Home Department Circular letter, No. 21—797-806, dated the 13th May 1885, which gives a summary of the existing rules and orders regulating the connection of public servants with land-holding and commercial speculation in India, it was laid down that officers of all classes (including candidates for office) must 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 may be considered necessary, and that registers containing such particulars should be kept by the Local Government concerned.

2. In continuation of these orders I am now to say that His Excellency the Governor-General in Council is pleased to direct that in future similar particulars must be given of property held by, and managed by, wives of officers or other members of their families living with, and in any way dependent on, them; and that the management of such property shall be subject to the same restrictions as that of property belonging to themselves.

From A. P. MacDONNELL, Esq., C.S.I., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Calcutta, 28th February 1889, No. 4—399.

I am directed to request that, with the permission of His Excellency the Governor in Council, the Government of India may be favored with information showing the exact meaning which has been attached, and the limitations (if any) which have been applied in Madras, to the words "officers of all classes (including candidates for office)" occurring in para. 5 of Home Department Circular letter, No. 21—797-806, dated the 13th May 1885.

Letter to the Secretary to the Government of India, Home Department, dated Ootacamund, 6th July 1889, No. 581, Public.

G.O., dated 31st March 1890, No. 248, Public.

Read—the following extract from the Proceedings of the Government of India in the Home Department (Public),—under date Calcutta, the 14th March 1890, No. 10-R.—636-46 :—

Resolution—

As it appears from inquiries made from Local Governments and Administrations that the words "officers of all classes (including candidates for office)" occurring in

paragraph 5 of Home Department Circular letter, No. 21—797-806, dated the 13th May 1885, are differently interpreted in different Provinces, the Governor-General in Council thinks it desirable to remove any doubts as to the scope of the orders contained in that paragraph, and hereby declares that they apply to all officers in superior service.

Order—

Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations, for information and guidance.

To the Government of Madras.

Order—dated 31st March 1890, No. 248, Public.

Communicated to the departments of the Secretariat and heads of departments under the Public Department, for information and guidance, with reference to G.O., No. 1380, Public, dated 16th June 1885.

From C. J. LYALL, Esq., C.I.E., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Calcutta, 29th March 1890, No. 769.

I am directed to acknowledge the receipt of your letter, No. 581, dated the 6th July 1889, on the subject of the holding of land by officers of Government. With reference to paragraph 4 of Home Department Circular, No. 21—797-806, dated 13th May 1885, which contains a proviso that Uncovenanted officers exercising independent judicial or revenue functions must not hold landed property in the districts in which they are employed, it is observed that, if these words are taken literally, an Uncovenanted officer must either be debarred from employment in any district in which he holds landed property by inheritance or has acquired land while employed elsewhere, or must be made to dispossess himself of such landed property on appointment to the district in which he is situated. His Excellency the Governor considers that the first of these alternatives would unduly hamper the Government in the appointment and transfer of officers, while the second would often involve great hardship to the officer concerned. In view of these considerations, it is suggested that it would be well to substitute for the word *hold* in the rule in question the word *acquire*. It is added that the rule as it now stands appears to His Excellency in Council to be an innovation, and therefore not in accordance with paragraph 7 of the Secretary of State's Despatch, No. 22, dated 10th August 1861, which lays down that no restrictions are to be placed on the possession or acquisition of lands by Uncovenanted officers beyond those then in force.

2. In reply, I am to invite attention to the letter from the Government of India to the Government of Madras, No. 2316, dated the 13th October 1860, which shows that, so far as Uncovenanted Revenue officers are concerned, the rule prohibiting an officer from holding land in the district in which he is employed has been authoritatively prescribed for the past thirty years and can hardly be described as an innovation. I am also to call attention to the despatch to the Secretary of State, No. 37, dated 25th October 1860, in which it is stated to be a generally understood rule that Uncovenanted Judicial officers exercising independent revenue or magisterial functions must not hold landed property in the districts in which they are employed. When writing his despatch, No. 22, dated 10th August 1861, the Secretary of State had been informed that restrictions of the nature set out in paragraph 4 of Home Department letter of 13th May 1885 were already in force, and his remarks on the subject of the further restrictions to be imposed on Uncovenanted officers do not apply to a rule which already existed. The Government of India has no objection to rules 2 and 3 of the Madras Government Circular

of 1862, forwarded with your letter under acknowledgment, but considers that special exceptions under the authority conveyed in the Government of India letter, No. 2316, of 13th October 1860, should be of very rare occurrence indeed. The post of Deputy Collector has now been subject for thirty years to the rule prohibiting the appointment of such officers to districts in which they hold lands. Candidates for this office have had ample warning that they should not acquire land in districts where they hope to be employed.

3. With regard to Tahsildars, I am to say that paragraph 4 of the Circular, No. 21—797-806, dated 13th May 1885, does not preclude a Tahsildar from being appointed to a taluk in which he does not hold land, on the ground that he holds land in other taluks of the same district, not within his jurisdiction.

ORDER—dated 12th June 1890, No. 426, Public.

With reference to G.O., No. 992, Judicial, dated 25th April 1888, it is observed that definite rules are already in force in several departments regulating the possession and acquisition of landed property by Uncovenanted officers (*vide* Revenue Board's Standing Orders, No. 248; High Court's Circular Orders on pages 168 to 170 of Mr. Weir's Civil Digest; Police Code, pages 83 to 86; Public Works Code, Chapter V, sections 651 to 653).

2. In paragraphs 5 and 6 of G.O., dated 13th December 1862, No. 2601, Revenue, these rules were declared "to be applicable in spirit to every department of Government employ," so far as the registration of such landed property was concerned. There is, however, reason to believe that the rules are not duly enforced in all branches of the public service, some of which have been created since the rules were first promulgated.

3. His Excellency the Governor in Council has accordingly resolved to consolidate and re-issue the rules, embodying therein such additions and alterations as have been made from time to time by the Government of India, as shown in the appendix to these Proceedings.

(True Extract.)

To Departments of the Secretariat,
"all Heads of Departments.

ENDORSEMENT—dated 12th June 1890, No. 427, Public.

Copy to the Government of India, Home Department.

J. F. PRICE,
Chief Secretary.

Exd, P. L. Pereira.

[Appendix.

APPENDIX

RULES RELATING TO THE HOLDING OF LANDED PROPERTY BY UNCOVENANTED OFFICERS IN CIVIL EMPLOY.

PART I.—POSSESSION AND ACQUISITION OF LANDED PROPERTY.

Uncovenanted officers exercising independent Judicial or Revenue functions, whether of European, Eurasian or Native descent, are not debarred from acquiring or possessing landed property in British India for agricultural purposes, provided that they must not hold landed property in the districts in which they are employed. Although uncovenanted officers are not precluded from holding land, it is inexpedient that appointments which necessarily confer a considerable amount of power and influence on their occupants, such as those of District Munsif, Deputy Collector, and Tahsildar, should be filled by persons holding landed property within their jurisdiction.

1. (a) The term "district" in these rules will, in the case of the following classes of officers, be taken to mean the whole of the revenue district within which such officer exercises for the time being any public function :—

Officers of the Judicial Department of and above the rank of District Munsif.
Officers of the Revenue Department of and above the rank of Deputy Collector.
Officers of the Registration Department of and above the rank of Sub-Registrar.
Officers of the Police Department of and above the rank of Assistant Superintendent.

Officers of the Salt and Abkari Department of and above the rank of Inspector.
Officers of the Revenue Survey Department of and above the rank of Assistant Superintendent.

Officers of the Revenue Settlement Department of and above the rank of Assistant Director.

1. (b) In the case of other uncovenanted officers exercising independent Judicial or Revenue functions, such as Tahsildars, Sub-Magistrates, Inspectors of Police or Station-house Officers, Assistant Inspectors of Salt and Abkari, Superintendents of Sea Customs, &c., the term "district" shall be taken to mean the whole of the revenue taluk within which such officer exercises for the time being any public function.

1. (c) Collectors' Sheristadars and Sheristadars of District Courts, though not exercising independent functions, should, for the purposes of these rules, be treated as coming under rules 1 and 1 (a).

Note.—All officers of the Public Works Department are prohibited from acquiring or holding land within the limits of their charge, whether that connection be permanent or temporary, without the previous sanction of the Government. This prohibition does not extend to land occupied merely by buildings for residences and their usual appurtenances.

2. When uncovenanted servants as above specified become possessed of land, or of an interest in land, within their districts by individual inheritance or as members of a family, or are transferred to districts in which they already own land, they will at once communicate all particulars respecting such land to the authority by whom they are appointed.

3. The prohibition against holding of lands in Rule 1 extends also to the acquisition by purchase, bargain, mortgage, transfer or otherwise, of any interest in landed property.

4. Uncovenanted Revenue and Judicial officers in superior service are prohibited from purchasing, directly or indirectly, any kind of property, moveable or immoveable, at sales on account of Government dues or under the orders of a Court, within the districts in which they are for the time being employed.

5. Large purchases of land by uncovenanted officers, with a view to agricultural profit under the waste land rules or otherwise, will not in any case be permitted, even though the holding of such land is not contrary to the provisions of Rule 1.

The Ltn. Engr. for Lines.
The Chief - Perryas Project
" Couns. Engr. for Rys.
" Supt. Engr.
" Couns. Archd. to Govd.
Coun. Archt. to Govt.
Genl. P.W. Accts.
Examiner
Genl. Estd. Ry Accts.
Examiner Genl. Ry Accts.

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Govt. of {1890} Madras.
PUBLIC.

Issued.

G.O., &c., 12th June 1890,
Nos. 426, 427.

JUNE.

Holding of Lands.

Consolidating and re-issuing the rules relating to the possession and acquisition of landed property by Uncovenanted officers.