

Political (1899) Department.

ORDINARY MS.

G.O., No. 143.

DATED 11-2-99.

INDEXED.

[Despatch Abstract.]

Agreeing with the opinion expressed by the Board that a fee may be prescribed which shall be paid to the Kazi by Gooli officers who may require his report opinion in matters relating to Muhammadan law & custom and requesting the Board to specify the rate upon which such fee should be paid.

PRINTED IN G.O., dated

18th

24-5-1899, No. 331

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11/11

BACK PAPERS.

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

FURTHER PAPERS.

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0
18-10-98.

Political Judicial.
Revenue (1898) Department.

CURRENT No. 8408

CURRENT NO. 184

From

Encl: Mis. No. 113.
Order

The Board of Rev. L.R. Madras.

Transferred to the Judicial Department.

(By Order)

Muniponbaver
Ag. Under Secretary to Govt.

No. 3476 Mis.

Dated 7th December 1898.

Received }
Registered } 9th December 1898.

Enclosures 20.

Spare copies.

To

The Judicial Department.



SUBJECT.

Submitting to Govt. petition from the Kazi of Madras praying for the grant of an allowance in consideration of the gratuitous services rendered by him to the public officers and to private individuals.

Recd 10-1-99

Regd 11-1-99

Encl: Rev: Cms 8408 + enclosure.

CURRENT NO. 136

Transferred to the P.W. Dept.

Ag. Under Secretary

20/1/99

To the Political Dept.

Recd 22-1-99

Encl: Rev: Cms 8408 + enclosure.

BACK PAPERS.

G.O.	No.	Department.	Date.
330:	13.5.85	Mis	
202:	74.3.85	"	
804:	13.11.83	Sc	
1253:	15.6.81	"	
2274:	18.11.80	"	

FURTHER PAPERS.

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Proceedings of the Board of Revenue

(Land Revenue).

No. 5476 Misc. Dated 7th December 1898

Read endorsement of J.N. Atkinson Esq., Collector - of Madras, Ref. No. 238-Petn., dated 19th July 1898; and reference --- thereon No. 135 (Petition) dated 31st August 1898.

Read also letter from the same officer, Ref. on No. 628-G & B of 98, dated 5th November 1898.

Resolution. The petition from Moulvie Obedulla Sahib which is addressed to Government and has been forwarded with the Collec--- tor's endorsement first read above will be submitted for the or--- ders 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 pub--- lic officers as well as to private individuals by giving them ad--- vice on ~~different~~ ^{difficult} questions of Muhammadan Law and replying to --- their references on questions of marriage, divorce, inheritance, en--- dowment &c., besides discharging his legitimate duties as Kazi un--- der 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 reason- able allowance "not necessarily from the lapsed stipend".

3. The Collector, Mr. Atkinson, while forwarding the -- petition

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 5 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/

Donel Davidson
Ag. Secretary.

To the Secretary to Government, Revenue Department, with petition & collector's letter & enclosure to be returned.

[G.]
25
5,000 - 22-11-97.

C. No. 136

Political DEPARTMENT

SUBJECT.

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE MR. ARUNDEL.
THE HON'BLE MR. WINTERBOTHAM.

Request of the Kazi of Madras that he may be granted a stipend for services performed on behalf of Govt.

FOR ORDERS.

B-

Judicial transfers to this Department a resolution of the Board of Rev. (L.R.) passed on a petition from the Kazi of Madras praying that he may be granted a "reasonable allowance" in consideration of the public services rendered by him to the Govt. in gratuitously giving advice on questions bearing on Muhammadan Law and Customs. *The Kazi* urges that these services have been rendered in many cases in which his official position did not make it compulsory for him to render them and that during the past two years the references to him have been so numerous that an increased office establishment has been essential to cope with the work. The petition, which is addressed to *The Governor in Council* is forwarded through the Collector of Madras and the Board of Revenue.

2. The Board has ascertained through the Collr. of Madras that the number of cases dealt with by the Kazi according to his own statement, during the years

*Resolution
The Board's Resolution
is flagged - C
That of the Collector is @ E*

years 1895 & 1897 were 452 and 445, respectively, of which 330 and 332, respectively, were from the Courts (both Civil and Criminal) while 119 and 110, respectively, were from private individuals for private purposes, the remaining 3 and 1 cases, respectively, being from such Govt. Officers as Collr., Paymaster Carnatic Stipends and Protector of Emigrants. Of the comparatively large number of cases shown as being from the Courts the Lazi has admitted that the majority of these were from Vakils of parties to suits. The figures themselves are, of course, not capable of check but in any case the Collr. holds that inasmuch as most of the items in each of the years referred to appertain to law suits the Lazi does not seem entitled to compensation from Govt. on account of them.

The Board adds that the Lazi is at liberty to charge a fee for opinions given to Vakils or private parties in his capacity as an expert in Muhammadan Law and that if he is called upon to give evidence in that capacity in a Court of Law he should look to the Court for his allowances.

The Collr. has further pointed out that in a file of original official papers submitted by the Lazi in support of his claims on Govt. there are only six and those all in different years, from Govt. officers.

The Board is of opinion that in view of the fact that the cases in which the Lazi

Lazi has been consulted by Govt. Officers have been so few and far between it is not necessary to consider the question of a regular stipend for this addition to his ordinary duties but that if Govt. pleases it may prescribe a fee which shall be paid to the Lazi by Govt. Officers who may require his expert opinion in matters relating to Muhammadan Law and Custom.

3. In January 1885 the petitioner presented a petition to Govt. requesting that he might be granted a portion of his late father's (the former Lazi) lapsed stipend on the ground that he was doing the duties of Lazi to the satisfaction of all concerned but Govt. declined to grant the request - G.O. No. 530, Pol, d/13-5-85

4. It is submitted that the *Hazi* ~~petitioner~~ has established no claim on Govt. and that with regard to remuneration for services rendered to private individuals, vakils &c. Lazi is quite competent to look after his own interests. The Board's suggestion that if Govt. pleases it may prescribe a fee which shall be paid to the Lazi by Govt. Officers who may require his expert opinion in matters relating to Muhammadan Law and Custom ~~is not~~ *seems*

not fair & it may be asked to state what for seals it would propose
C. M. S. G. M. S.

C. No. 136 From the Board of Rev. (Land Rev.), No 3467 Mis dated 7-12-1898.
" Endt., from the Rev. Dept., " 113, " 6-1-1899.
" " " Judicial Dept., " --, " 20-1-1899.
" " " " " 38, " 189.

ORDER 143 of 11.2.99.
The Govt. agrees with the
opinion expressed in paragraph 4 of the
proceedings of the Board of Revenue
read above, and The Board will be re-
quested to suggest a scale upon which
fees should be paid to the Lazi of Madras
by Govt. officers who may require his
expert opinion in matters relating to
Muhammadan Law and custom.

To

The Board of Rev. (L.R.)

(Q. & O.)

(with encls etc)

Cmb
10.2.99

Deepd
13/2/99

M. H. R.

When given for copying 13/2 1897
 When copied _____
 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.—

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