(1) பக்கங்களின் எண்ணிக்கை 66 (62) (Onlle)

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பிறகு துறை

அரசாணை எண்.	அச்சகம்
மு. கோப்புத் தாள் எண். 581	பலவகை
நாள் : 6.7.1889	199

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆணை. கா. 1—18,006—6-9-90.

ORDINARY, MS.

Public Department.
G.O., dated 6. 7. 89
No. 581

When given for copying

[Despatch Abstract.]

Addressing the Govt. of India &c.
The subject of para 4 of
the Dept. Circular letter
noted re the holding of
Courts by Uncovenanted
Civil Officers &c and sug-
gesting the substitution
of the word require for the
word hold in the rule re-
ferred to.

16-3-04
28/3/05
28/3/12
3/11/99
4-11-14
29-9-15
2-9-21
2-7-30. I
13/11/31 I
20-10-32. I
24/10/39 I

Judicial Department.

MADRAS GOVERNMENT.

READ the following papers:—

Inspector General of Registration, [illegible] in Vol. of Gazetted Wms. of March 1888, No. 1527.

a Ragavanthathachari, dated 25

ing the holding of land by the Hindus.

[illegible] Govt. etc.)

April 1888, No. 992.

The Government agree with [illegible] that it would be desirable that the same Agent should remain [illegible] District and proposals for [illegible] be submitted on that delay [illegible] The letter from Vira Ragava will be referred to the Inspector [illegible] procure a copy of the Regis[illegible] of the eventual judgment of [illegible] referred to, and will report any [illegible] in which he thinks the Govern[illegible]

The subject of landholding [illegible]

[illegible] as of all such holdings which be in contemplation with effecting [illegible] alteration that it is completed and correct.

[illegible] this.

uncovenanted officials pull
in the Public Dept.

To

The Inspector Genl of Ags
-11- Public Dept.

1 R (Para 3 on)

Judicial Department.

CHIEF SECRETARIAT MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following papers:—

Letter from the Inspector General of Registration, dated 22nd March 1888, No 1527.

Petition from Vira Raghavathathachari, dated 25th March 1888.

Regarding the holding of land by the Registrar of Madura.

Order 25th April 1888, No 992.

The Government agree with the Inspector General that it is not desirable that Mr. S. Ramaswami Aiyar should remain in the Madura District and proposals for his transfer should be submitted without delay.

2. The letter from Vira Raghavathathachari will be referred to the Inspector General who will procure a copy of the deposition and of the eventual judgment of the Court in the case referred to, and will report any facts appearing therein which he thinks the Government ought to know.

3. The subject of landholding [illegible]

Read this for [illegible]

No. 2

From

A. P. MacDONNELL, Esq.,
Secretary to the

To

The Chief S

Home Department.
Public.

Sir,

In paragraph 5 of Home Depar
the 13th May 1885, which gives a st
orders regulating the connection of publi
mercial speculation in India, it was laid d
candidates for office) must make a dec
possession of, or of their having acquired,
within which it is situated, with such c
necessary, and that registers containing s
Local Government concerned.

In continuation of these orders I am
Governor General in Council is pleased to
must be given of property held by, and m
members of their families living with, and
that the management of such property sh
as that of property belonging to themselv

1 Book Sec

18

CHIEF SECRETARY'S OFFICE
19 SEP 88
GOVERNMENT OF MADRAS

No. 2

ent of India,

GOVERNMENT OF MADRAS
19 SEP 88
SECRETARIAT DEPARTMENT

to the Govt. of
Madras.

mla, the 11th September 1888.

Ro No 1380 Pub
16.6.85

rcular letter No. 21/797—806, dated
of the existing rules and
s with land-holding and com-
officers of all classes (including
of the fact of their being in
property, stating the district
rticulars as may be considered
ficulars should be kept by the

ay that His Excellency the
at in future similar particulars
y, wives of officers or other
ay dependent on, them; and
bject to the same restrictions

have the honour to be,

Sir,

ır most obedient Servant,

Mac Donnell

y to the Government of India.

25/4/88 Jul 992 Jud Ins
1/9/86 Jul 793 Rec Rec.
16/6/85 Jul 1380 — —

Publicity

Dom

Govt. Homedept

No. 33
2405

Dy 11/9
Ry 19/9 } '88

Encls 7 Sr.

Subject

Stating that in future particulars must be given of property held by and managed by wives of officers or other members of their families & that the management of such property shall be subject to the same restrictions as that of their own property.

4

No. 379

FROM

A. P. MACDONNELL, ESQ., C.S.I.,
Secretary to the Government of India.

To

The Chief Secretary to the Government of Madras

CHIEF SECRETARIAT MADRAS
Madras 5 MAR 89
REVENUE DEPARTMENT

Home Department.
Public.

Calcutta the 28 February 1889.

SIR,

I AM directed to request that with the permission of His Excellency the Governor in Council the Government of India may be favoured 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 paragraph 5 of Home Department Circular letter No. 21—797-806, dated the 13th May 1885.

I have the honour to be,

SIR,

Your most obedient Servant,

A. P. MacDonnell

Secretary to the Government of India.

DEPARTMENT.

From

The Judicial dep^{t}

No. 992

Dated 25 April

Received 5 May 88

Enclosures

SUBJECT

The question of Land holding by Uncovenanted officials.

C. Nos. 1737, 3175 and 777, Public.

Holding of Lands by Uncovenanted Officers.

FOR ORDERS.

Two questions were raised in the notes by Honorable Members in the original of G.O., No. 992, Judicial, dated 25th April 1888—

(*a*) Extension of rules, regarding investments by public servants, to investments by their near relatives, *e.g.*, wives and children in which they have an interest.

(*b*) A general summary of the existing rules regarding holding of lands by Uncovenanted servants, with a view to make them applicable to all departments including those newly created.

The first question is settled by the Government of India letter in C. No. 3175.

A summary of the existing rules altered so as to make them applicable to all departments is put up, additions or alterations being marked in italics. If approved, the rules may be published with C. No. 3175. With reference to the enquiry of the Government of India in C. No. 777, a reply may be sent in the terms of paragraphs 4 to 12 of the accompanying note; attention is also invited to the recommendations proposed to be made to the Government of India in paragraph 15.

12/3

NOTE.

The later editions of the Board's standing orders confine themselves to rulings applicable to the Revenue Department, and necessarily omit references to other departments.

2. Restrictions on the holding of lands by uncovenanted officers were first imposed by the Honorable the Court of Directors, *vide* G.O., No. 312, Revenue Department, dated 16th July 1849 (on which S.O., No. 248, is based), and were made applicable only to the Revenue and Police Departments, but the judges of the Sadr Adalat were asked to issue similar instructions for the Judicial Department. This was done in the Court's Circular orders, dated 7th January * 1850.

* G.O., No. 373, dated 6th March 1862, Judicial.

3. In 1860, the Secretary of State was asked whether European uncovenanted officers were incapable of holding lands (No. 1825, dated 10th October 1860). In paragraph 7 of his despatch, No. 22, dated 10th August 1861, the Secretary of State laid down that no additional restrictions were 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. At the same time, he laid down the rule that officers of all classes (including candidates for office) should furnish full information regarding the lands held by them, and that registers should be maintained at the head-quarters of Government regarding all of them. This was communicated to all departments of the Secretariat in G.O., No. 318, dated 14th February 1862.

G.O., No. 318, dated 14th February 1862.

Para. 8.

4. The rules for the Revenue Department were revised and declared to be applicable in spirit to every department of Government employ; but they were at the time specially extended by the Revenue Department only to the Settlement, Survey, Inam, Forest and Income-tax, besides the Land Revenue and Magisterial departments (G.O., dated 13th December 1862, No. 2601).

† *Vide* paragraph 13 *infra*.

5. It is not clear whether the rules are enforced in the case of the Salt, Excise, Customs, District Post, Museum, Botanical, Cinchona, Agricultural, Veterinary and other public offices under the control of the Revenue Department.

6. The same rules as modified by the Sadr Adalat are still in force, and are embodied in the High Court's Circular Orders (pages 168 to 170 of Mr. Weir's Digest).

7. They are also in force in the Police Department (pages 83 to 86 of the Police Code) and in the Public Works Department (section 652-3, Chapter V, of the Public Works Department Code, and Appendix H).

8. Nothing is known as to the practice in the Imperial Post Office, Telegraph, Financial, Meteorological, Archæological, and other departments.

9. Among departments under the Chief Secretary to Government, the following seem to have no special rules on the subject:—

Registration, Jails, Marine, Educational, Medical, Sanitary, Vaccination, Emigration, Political, Printing and Miscellaneous appointments, *e.g.*, the Government Astronomer, Registrar of Books, Board of Examiners, &c.

10. It seems therefore desirable to consolidate the rules and have only one set applicable to all uncovenanted officers. In the first place, it should perhaps be ruled that all *Gazetted officers who receive their appointments direct from Government* should submit returns of lands *to Government* in their respective departments. This was ordered for officers of all kinds by the Secretary of State in paragraph 8 of his despatch, dated 10th August 1861; but the Board of Revenue were against it on the ground of the large number of officers (G.O., No. 838, dated 15th April 1862), and the Government of India agreed that the then existing arrangements were sufficient (G.O., No. 1263, dated 9th June 1862). This objection, however, which was reasonable as regards the returns of all subordinate and ministerial officers, cannot apply to Gazetted officers, about whom Government ought to know everything, as in the case of Covenanted Civil Servants and Military Officers. Controlling officers may, of

G.O., No. 318, dated 14th February 1862.

course, retain copies of the returns which they submit to Government.

11. All other uncovenanted officers for whom *Service registers* are maintained might be ordered to enter in a sheet to be attached to those books all the lands they hold or acquire from time to time, contemporaneously with the entries of changes in their services under Government. This would simplify matters considerably, and would dispense with the necessity of elaborate registers being maintained and periodically written up by heads of departments in each office. Under Rule 17, Chapter 4, of the Civil Account Code, these service registers ought to be in the custody of the heads of departments themselves, and nothing will serve the purpose of the restrictive rules regarding the possession of lands so effectually as an entry in these registers, which have to be attested by the heads of the departments themselves, and should be referred to before the officers are transferred from one office to another.

12. So far, clear instructions can be laid down and the necessary check fully exercised. But the restrictions placed 40 years ago (1849), and confirmed by the Secretary of State (paragraph 7 of the despatch) in 1861, have now lost much of their force owing to the great improvements that have since taken place in the means of communication.

13. The restrictions now * in force are broadly as follows:—

(i) Officers of the standing of Deputy Collectors and Sub-Judges should not acquire new lands *within the district* in which they are employed for the time being.

(ii) Officers of lower standing with more limited jurisdiction should not do so *within the taluk* or other local area subject to them.

(iii) As regards lands previously acquired in any way, all that is required is that a report should be made and orders taken in each case.

It is evident that, with the immense facilities in the shape of postal, telegraph and railway communications that have since come into existence, and the continual

* *Vide* paragraphs 4 to 6 of the Government of India Resolution in G.O., Public, No. 1380, dated 16th June 1885.

transfers from district to district and taluk to taluk that have now necessarily become the rule in every department, the above mentioned restrictions are a mere farce at the present day. Owing to the facilities of communication, land can now be safely purchased in every other district but the one in which an officer may for the present happen to be employed—a thing which could not often have been attempted 40 years ago. A glance at the history of services of any Deputy Collector or Munsif will show that the transfers are so frequent that the district limit is perfectly useless.× This has already been recognized and acted on in the case of sub-registrars—*vide* G.O., No. 1906, Public, dated 12th August 1885.

14. The main grounds for maintaining these restrictions, as well as the objections to them, are clearly set forth in paragraphs 5 to 7 * of the Government of India letter to the Secretary of State, No. 6, dated 2nd April 1860, and the argument used in paragraph 6 against the prohibition to hold lands in India, while it is allowable to do so in Ceylon or any of the colonies, applies with infinitely greater force to the present district and taluk limitations in the case of uncovenanted officers. Even *Presidency* limits were considered unreasonable in paragraph 7 of that letter. The Home Government, however, thought it inexpedient either to relax the rules in the case of covenanted and military officers or to impose greater restrictions on uncovenanted officers. But neither the country nor the Government service is what it was nearly 30 years ago; and it would seem desirable to lay down consistent rules for uncovenanted as for covenanted officers. This is the more necessary, as natives are being admitted to a much larger number of departments and appointments than heretofore—*vide* also paragraph 207 of Mr. Thomas' report on Tanjore remissions.

G.O., No. 1696, dated 24th September 1860.
G.O., No. 2299, dated 4th December 1860.
G.O., No. 318, dated 14th February 1862.

15. The following proposals might therefore be submitted to the Government of India:—

(i) No uncovenanted servant of Government should be permitted to acquire land after his entertainment in the public service *in any district within the Presidency*, until his retirement from the service.

* 5. His Excellency is aware of only two reasons that have been given for preventing officers in civil employ from holding lands in India:—

1*st*.—That their attention would be diverted from their duties, and their time occupied in looking after their private concerns, instead of being exclusively devoted to the public service.

2*nd*.—That officers in civil employ might use their official influence unduly for their own benefit, and to the disadvantage of others, in the management of their estates.

6. The first of these reasons, His Excellency observes, loses much of its force, when it is remembered that there is nothing to prevent officers from holding lands in England or in Ceylon or in any of the colonies, or from occupying themselves in a thousand ways besides the management of an estate in India, and that, in fact, such is the case without any apparent detriment to the public service. In India, landed property belonging to a servant of Government would be managed by an agent, generally by a relative of the proprietor.

7. In the second reason, His Excellency states, there is no doubt a great deal of truth. At any rate, if official influence were not so used, the suspicion that it was would not be wanting. Referring to our proposal to meet this objection by prohibiting the possession of land by officers in the Presidency to which they belong, or to which they are attached, His Excellency remarks that it certainly does not appear that there can be more reason why a civil officer in Bengal should not own a coffee estate in Malabar, than why he should not own one in Ceylon.

× I do not endorse this view. I consider the case of the Covenanted Officer with his high duty and serious responsibilities very different from that of the Uncovenanted Service who have few temptations in these respects who are almost always natives of the country and should not find it necessary from time to time obtaining land as a provision always prized by natives. That officers desirable in the public interest, or check upon acquiring land there at present exist. But whatever is done may not satisfy with Kindly under the circumstances. ×.

(ii) As regards ancestral property or lands acquired before entertainment in Government service, a Government servant should, so long as he remains in the service, be obliged to refrain from taking any active part in their management; and in the case of self-acquired lands, it might be required that they should be sold or leased out.

× If the object is to prevent a man holding land in his province, but that is not the object of the proposal. F

Yes. It was to take away the power of another collector.

23/3/09

28.3.09

I agree generally with my Hon'ble Colleague Mr. Stokes - but should like to see the enclosed draft of the proposed Rules - before they go out - I do not think that it expedient to put more difficulties in the way of Natives holding land. Nor can it entirely disentangle ourselves from C

Draft Rules, relating to the holding of lands by Uncovenanted officers.*

[Note.—New matter in these draft rules is shown in italics.]

I. No Uncovenanted officer *of any description whether of European, Indo-British or Native descent* will be permitted to acquire any landed property or interest therein by purchase, bargain, mortgage, transfer or any other means directly, or indirectly, *in his own name or that of a wife, son or any other member of his family living with or in any other way dependent on him* within the district † in which he may be employed, without in the case of Non-Gazetted Officers the previous sanction of the head of the

Paragraph 7 of the Secretary of State's despatch, dated 10th August 1861.
G.O., dated 14th February 1862, No. 318.
G.O., dated 16th June 1885, No. 1380.
C. No. 3175.

department.

II. In the case of lands previously acquired or devolving on any non-Gazetted officer by individual inheritance, as a member of a family, or by any other means, the necessary particulars should be communicated for the orders of the head of the department concerned immediately on the lands devolving on him together with a declaration as to the truthfulness of the statements made. A special reference should also be made to this question of lands whenever an officer's transfer is under consideration. In the case of Gazetted officers the circumstances should be explained in full to Government on such fresh acquisition of lands as well as on each recommendation for a transfer.

Board's S.O., No. 248, rules 1, 8 and 10.

III. No Uncovenanted officer of any grade or rank will be permitted to purchase, directly or indirectly, any kind of property, movable or otherwise, at any sales on account of Government dues, or under the orders of a Court, ~~or with a view to agricultural profit under the waste land rules or otherwise.~~

IV. Every Uncovenanted officer should be required to submit on the 15th January of each year a correct and exhaustive statement giving full particulars regarding all landed property *including houses and grounds taken up for ordinary dwelling purposes* newly acquired or inherited by him during the preceding year ~~with a declaration to the effect that it truly represents all the landed property in which he is interested, prospectively as well as for the time being.~~ *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 the management of such property shall be subject to the same restrictions as that of property belonging to themselves.* The above rule applies equally to all candidates for employment in the public service.

C. No. 3175, paragraph 2.

V. Care should be taken that delusive entries are not permitted. Any attempt to mislead a superior in this respect and any failure to give full and correct information will be followed by instant and summary dismissal from the public service.

VI. The statement furnished in accordance with rules IV and V in the case of non-Gazetted officers will be attached to the service register of the individual concerned and attested by the signature of the head of the department under whom he serves. Every change in the landed interests in question should be promptly brought to the notice of the head of the department, and a fresh entry should be made in the service register and be attested by his signature.

Vide paragraph 11 of the note.

VII. In the case of Gazetted officers, the statements furnished will be entered in registers to be opened in the department of the Secretariat concerned and every subsequent alteration reported will be recorded therein. Controlling officers may of course retain copies of these statements for reference.

* Generalized, so as to apply to all departments, from the Standing Orders of the Board of Revenue and the High Court.

† N.B.—The taluk limit is ignored: it has partly been got rid of in Public G.O., dated 12th August 1885, No. and may be dispensed with in all cases.

VIII. No Uncovenanted officer will under any circumstances be permitted to take a direct part in the cultivation or management of lands. No portion of that time and attention which ought to be devoted to his public duties can be applied to the management of such property, nor can ~~leave~~* of absence be allowed on this account. It is incumbent on the several heads of departments to take care that these conditions are strictly enforced.

* *Vide* para. 6 of Resolution in G.O., No. 1380, dated 16th June 1885.

IX. Nothing contained in rules I and II will be held to apply to houses or other buildings for residence and their usual appurtenances (*e.g.*,† *vegetable or fruit gardens*) nor to public topes planted under the tope rules, *but the statements referred to in paragraphs IV to VII should include* ‡ *all such property.*

† G.O., No. 754, dated 26th March 1866.

‡ *Vide* Hon. Mr. Hutchins' note in G.O., dated 25th April 1888, No. 992.

X. The previous sanction of the controlling authority is not necessary for the acquisition of property permissible under these rules.

XI. *The above rules may occasionally be relaxed, for good reasons shown, in the case of officers holding purely* § *ministerial appointments. It will be left to the discretion of heads of departments to decide how far relaxation should go in each individual case.*

§ *Vide* definition on pp. (xii) (xiii) in the Codes of the Financial Department.

Public Dept.

Read again Appendix circular order No. 6843. dd 13 Oct. 1862.
Read also the following
Cts 1737. 3175 & 7747.

Order

H. E. the Governor-in-
Council observes that the
restrictive rules regarding
holding of lands by Govt
covenanted Revenue officers
issued by the Board of
Revenue in their circular
order of 13th October, 1862. No.
6843, read above were issued
13th Decr 1862. No. 2601 and
declared to be part of the rules,
in spirit the every of
of Govt servants. There is now
ever reason to believe that
these rules, though embodied
in

I do not approve of all this Elaborate procedure with details rules. I think a general declaration that existing rules apply to all public Officers, and an order that the Land returns shall be attached to service books will be quite enough, without all this fuss.

Ices
31 May.

I assume the authorities
to whom the question put by the
Govt of India in their
letter of 28/2/04 No 4-33,
to be consulted with a view to
addressing that the
question is already answered
in this letter - but they are in
favor & then is an end
of it - & the Appendix to

in the codes and standing orders of some departments, are not duly enforced in all branches of the public service. The Govt has therefore resolved to consolidate and re-issue the rules (vide Appendix to these Procs) in such a manner as to render them applicable to the covenanted officers of every description. They will be promulgated in the Govt Gazette, and will supersede all existing departmental regulations on the subject.

2(a) As regards the record to be maintained of landed property possessed by covenanted officers, H.E. the Governor in Council is pleased to direct that all gazetted officers (or other Service

* Revenue Board's Standing order No 248.
High Courts Circular orders (pages 168 to 170 of Mr Weir's Digest)
Police Code. (pages 83 to 86)
Public Works Code. (ch V Secs. 651 to 653 & App. H)

The Govt of India have to request publication of the rules embodied in the Proceedings & Circulars of Oct 13th 1862 with such additions & alterations as may be found necessary in their application to officers in the Public Works Department, and also any instructions which may be issued in particular cases by the Govt of India in the Department of Public Works in the various branches of the Service in India, as to the manner in which the Public Works Officer is to proceed in the matter of the acquisition of land required, and the steps to be taken in dealing with claims for compensation, and any other matters connected with the duties of the Public Works Department, which may require to be noticed in the Code. Still I think they are particularly well drafted & I concur in the object of the draft in this respect. That the Executive of Land Rights in the various branches of the Service in India are to be carefully considered before any alteration is proposed from the present practice of the Public Works Department is the opinion of the Govt of India, but there is no objection to the Public Works Department, should any officer who may be entrusted with the acquisition of land in the Public Works Department, should any difficulty arise, addressing a letter to the Govt of India, stating the difficulty and asking for instructions. Still I think the Govt of India have to request publication of the rules embodied in the Proceedings & Circulars of Oct 13th 1862 with such additions & alterations as may be found necessary in their application to officers in the Public Works Department, and also any instructions which may be issued in particular cases by the Govt of India in the Department of Public Works in the various branches of the Service in India, as to the manner in which the Public Works Officer is to proceed in the matter of the acquisition of land required, and the steps to be taken in dealing with claims for compensation, and any other matters connected with the duties of the Public Works Department, which may require to be noticed in the Code. Still I think they are particularly well drafted & I concur in the object of the draft in this respect. That the Executive of Land Rights in the various branches of the Service in India are to be carefully considered before any alteration is proposed from the present practice of the Public Works Department is the opinion of the Govt of India, but there is no objection to the Public Works Department, should any difficulty arise, addressing a letter to the Govt of India, stating the difficulty and asking for instructions. Still I

XX In the 1st sentence of the new draft the words "publish the rules" should be changed to "issue the rules" as the Govt of India will not publish such rules in the Gazette. In the 2nd sentence it may be well to expunge the words which follow "Public Works Officer" & substitute "who may be entrusted with the acquisition, and being unable to proceed" & insert "to the Govt of India" after "difficulty".

4/6/89

I agree. This draft should be submitted through the Govt of India for orders in it as amended.

11/6/89
6 June.

Govt of India have noticed a trifling question & I don't see why a Public answer should not be given. I doubt the necessity of a Resolution in the matter but I don't object but I would it contains no new addition, letter of instruction or mistake to proceed

11/6

Services registers are maintained by the Accts General under Rule 149 of the Ch. 35 of the Civil Account Code shall, on the receipt of this order, be required to submit to Govt. through the Heads of their respective Depts, and before the 1st August 1889, correct and explanatory returns showing all lands held or acquired by them, in the form prescribed by the rules appended to these Proceedings. Heads of Depts may of course retain for their own information copies or extracts of these returns, which should be forwarded, in original, to the Dept of the Secretariat

(b) Similar statements will in future be furnished by

~~the above mentioned officers~~ through the Heads of their Depts, for each cafeir dampear to be submitted not later than the 31st January of the year following. Such statements however need only show the additions and alterations which have to be made in the initial returns above referred to these statements will be ~~forwarded~~ in a consolidated form for each kind of Detail to the Director of Agriculture not later than the 1st of April of the year following that to which they relate.

(c) Officers newly appointed & gazetted forth subsequent to the 1st August 1879 will on the occasion of such first appointment, submit a statement similar to that called for in para 2(a) and after that yearly statements as directed in para 2(b).

(d) A Register of "Land held by Government Grantees Officers" will be compiled in each branch of the Director from the returns prescribed in para 2(a) and these will be duly written up to year to year. Reference always by parties to the register before the transfer of an officer from one district to another is ordered.

(e) In the case of Deputy Collectors ~~whose~~ appointment rest with the High Court ~~are~~ the returns ~~shall~~ be forwarded to Govt, but will be dealt with in a similar

What is the object of this provision that Government officers being transferred from one District to another should bring with them or leave behind them a list of land held by them? If so then why should any officer only bring with him or leave behind him a list of land held by him in the District in which he is serving, except in the case of Deputy Collectors whose appointments rest with the High Court?

similar number by the Honble the Judges.

3(a) Every other subordinate officer who is required to maintain a service book (vide rule 11 Ch 4 of the P. S. C.) will on the receipt of these proceedings be called upon to enter in a statement in the prescribed form full particulars regarding all lands held or acquired by him. The entries in this statement will be attested by the Head of his office in the same way as in the ordinary entries in his service book, and the statement will then be attached to the last page of the service register of the Officer concerned.

(b) The above statement must be kept up to date by the entry therein of any alterations and additions which may subsequently become necessary. These should, as soon as declared and entered by the officer concerned, be verified and attested by the Head of his office.

4. Candidates for the public services should be invariably required to submit a statement of lands in the form prescribed by the rules attached to these Proceedings along with their applications for entertainment in the service; all applications not fulfilling this condition being summarily rejected.

5. Special mention shall be made in the annual administration report of each department in regard to the extent to which the instructions in para 3 above have been complied with.

6 The instructions given in rules X and XI of the

[illegible] should be carefully borne in mind in the [illegible] of all the [illegible] statements [illegible] prescribed in these Rules.

(From Gazette)

&

21/5

To All Depts of Govt
" Heads of Depts

Appendix.

Rules relating to the holding of lands by uncovenanted officers in every Dept of the Public Service.

I. No uncovenanted officer of any description, whether of European, Indo-British or Native descent will be permitted to hold, except as provided under rule II, or to acquire by purchase, bargain, thirty transfer or any other means, directly or indirectly, any landed property or interest thereon within the local area* in which he may for the time being be employed

* Note:-. The term "local area" as used in these rules or regulations in the case of officers whose service registers are kept in the Secretariat office under rule 149, Ch 35 of the Civil Account Code of Inspectors of Salt and Abkari Revenue, Collectors, Deputy and Sub-Registrars, the whole of any district in which they for the time being exercise any public functions; in the case of other uncovenanted officers the whole of any revenue taluk in which they for the time being exercise similar functions

11. In the case of lands
~~fortuitously~~ acquired, or devolving
on any ~~unconvenanted~~ officer
by individual inheritance,
or a member of a joint family, or
by any other means, the
necessary particulars should also
communicated to the Head of
his office, with a view to
obtaining of the orders thereon
of the authority by which the
such officer was appointed
to the particular post held
by him.

No uncovenanted officer
of any grade or rank will
be permitted to pursue
directly or indirectly within
the local area in which he
employed any kind of
property moveable or otherwise,
by buy sale or in account
out dues or under the orders
a Court.

No uncovenanted officer
will

will under any circumstances
be permitted to take a direct
part in the cultivation or
management of lands while on
active duty. No portion of that
time and attention which
ought to be devoted to his
public duties can be applied
to the management of such
property, nor can longer or
more frequent leaves
absence be allowed on this
account. It is incumbent
on the several heads of Depts
to take care that these
conditions are strictly enforced.

V Every uncovenanted
officer whose service register
is maintained by the Accts
General should be required
to submit to the Head of
his office or department not
later than the 31st January
of

... each year a correct and
... statement giving full
particulars regarding all changes
in regard to his ownership
of landed property (e.g. acquisition
of land by inheritance or otherwise,
disposals by sale &c) which
have occurred during the
preceding calendar year. A
consolidated statement will then
be forwarded by the Head of
each department, and will
be submitted to Govt in
the Secretariat department
concerned by the 1st April
following;

VI On first appointment
to one of the gazetted posts
referred to in rule V above
every uncovenanted officer
shall furnish to the Head
of his Dept, for transmission
to Govt, a statement
in

the form appended to these
rules giving full particulars
of the landed property then
in his possession.

Note. In the case of Dintrict
Munsiffs the returns prescribed
in rules V & VI above will be
forwarded to the High Court
instead of to Govt.

VII In the case of every
uncovenanted officer for whom
a service book is maintained
in the custody of the Head
of his office a statement in
the form appended to these
rules regarding landed
property in his possession
should be attested into his
service book, and should be
attested by the signature
of the Head of the office
Every subsequent change

÷ Vide rule 16 ch 4 of
the Civil Accts Code.

in his landed interests shd
be promptly brought to
notice, with a view to a
fresh entry being made
attested in the above statement. all such advantages shd
be duly attested by the Revenue Officer
VIII Candidates for
appointments under Government
must submit similar statements,
shewing their interest in land
along with their application

IX. The prohibition contained
in rule X will not be held to
apply to houses or other
buildings for residence and
the usual appurtenances (e.g.
vegetable or fruit gardens),
nor to public topes planted
under the tope rules. Nor
will the previous sanction of
the controlling authority be
necessary for the acquisition
of property not forbidden
under these rules. The cultivation

of

2

of the ordinary crops, tea or other
products which have a
commercial value, for purposes
of profit (except so far as
restrictive profit may arise
from an increase) to the
probable value of the
estate owing to such cultivation
is however strictly prohibited
on lands held by Govt
officers as appurtenances to
buildings for residence, and
the sale, whether public
or private, of any products
of such lands will in no
circumstances be allowed.

X The particulars required
to be furnished under rule II
V, VI, VII and VIII should
however embrace —

(i) all immoveable property
in British India held by

the

[illegible] [illegible] [illegible] [illegible]
ment [illegible] [illegible] [illegible] [illegible] [illegible]

(ii) All immoveable property belonging to, or entered in the name of, or held, or managed by the Wife or Son of the officer making the statement, or by any other member of his family living with or in any other way dependent on him. The management of such property is under the orders of the Govt of India, subject to the same restrictions as that of property belonging to an officer himself

(iii) All immoveable property in which the officer himself or any member of his family as aforesaid is beneficially interested. e.g. property which he expects to come to him by inheritance, or on which he is a mortgagee.

VI. In every statement or return furnishing the above particulars should invariably be attached a declaration in the following form:—

I, A.B. do hereby solemnly declare that I do not at this time possess either in my own name or in that of any other person any land or any beneficial interest in land other than what has already been recorded or entered in this return, and that the information given by me is correct and complete.

Care should be taken that deliberate entries are not permitted. Any attempt to mislead a superior in this respect, and any failure to give full and correct information will be followed by

by [illegible] and [illegible]
distinctly from the public
service.

XII. The above rules may occasionally be relaxed for good reasons shown, in the case of officers holding purely ministerial appointments, the proper selection being vested in the Head of the Office

22 Mar

31

Letter to the Secretary to the Govt of India Home Dept

Sir,

I am directed to acknowledge the receipt of your letter, No 4—399, Public dd 28 February 1889, and in reply to state that in para 6 of Govt. Revenue, 2601 dd 13 Dec 1862 (copy annexed) the rules framed by this Govt regarding the holding of lands by uncovenanted officers were declared applicable to all officers employed in every dept administered by this Government. It is not however certain that the rules have been enforced in all cases. It has therefore been found desirable to consolidate

consolidate the rules and
extend them to all depart-
ments of the Public service.
Copies of the Proceedings of
this Govt on this subject,
dpl No dre annexed

2 sheets 6/11/5

Holding of land
by
Uncovenanted Civil Officers

(From Orders)

circ.

Public Dept

Order -

It the Governor in Council observes that definite rules are already in force in several departments regulating the possession and acquisition of landed property by uncovenanted officers (Vide Revenue Boards Standing Orders No. 246; Govt Courts Circular orders at pages 168 to 170 of the Civil Digest Police Code pages 83 to 86; Public Works Code - Ch V Sec 651 to 65 and Appx IV)

2. In paras 5 and 6 of G.O. 13th Dec. 1862 No. 260, Rev. these rules were declared "to be applicable in spirit to every department of Govt employ", so far as the

Govt

Sec
25/June

Sec 1 to 5 inclusive.

Sd + Cmd
21/5

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 newly created since the rules were first promulgated.

(Vide post Mr Master's note in Jud. Dept 992: 25. 4. 68)

3. H.E. in Council has accordingly resolved to consolidate and revise the rules, embodying therein such additions & alterations as have been made from time to time by the Govt of India, as shown in the app. to these Proceedings. They will be published in the Fort St. George and District Gazettes for general information & guidance.

W.W. 20/5

4. H.E. in Council is further pleased to declare that Parts II & V of the rules relating to Management and the registration of landed property

DESPATCHED
17 JUL 89
IN M.S
with Rev & Ag No 2601 of
& Board's No.
6843/82

The issue of the consolidated rules had better be deferred till India replies, and a para added to the draft stating that it is proposed to issue them after the inconsistency both attention shall have been called is cleared up.

W.W.
4 July.

with reference to my Home colleague's remarks on Rule 1 I therefore suggest that the attention of the Govt of India be drawn to the amendments of the Land Acts

W.W.
25 June

J.H.S. 28/6/89

* Vide para 6 of G.O. Rev. 2601 of 13 Dec. 1882, & copy annexed, which cancelled & superseded G.O. 1301 of 1882 No. 6823 therein referred to, as amended

No. 581. dy 6 July 1889.

Letter to the Secy to the Govt of India. Home Dept

Sir,

I am directed to acknowledge the receipt of your letter No. 4-399 / 88-1. dt. 9th February 1889, and in reply to state that no specific action appears to have been taken by this Govt on the para 5 of the Govt of India Resn referred to, as the rules regarding the registration of landed property held by uncovenanted officers had already been declared applicable to officers employed in every dept. administered by this Govt.

2. The rules for consolidating & revising the rules in force in this Presidency in regard to the possession, [illegible] and transfer of landed

departments of the public service - vide Copies of the Proceedings on this subject

[illegible] 1876

Holding of lands by Government Civil Officers.

(From Mr Otter)

Revised Draft.

"acquisition, management, "alienation of landed prop." by Govt. officers in Civil employ. But before this is done I am to address the [illegible] on the subject of para 42 Home Dept. Circular letter No. 24-757-806 of 15th Aug. 1885.

2. It is there stated that Govt. officers exercising independent judicial or executive functions ..... are not debarred from possessing or exercising landed property in British India for agricultural purposes, provided that they

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must not hold landed property in the district in which they are employed" If this power is to be taken literally, either an immense number must be debarred from employment in any district in which he holds landed property by inheritance or has acquired land while employed elsewhere or he must be made to divest himself of such landed property in the district in which it is situated. The first of these alternatives would unduly hamper the [illegible] in the appointments of officers; the second would very often involve great hardship on the officer concerned. I am to suggest that in view of these considerations, it would be well to substitute for the

Govt of I 8/7.

and held in the rule under reference the word acquire

The rule as it now stands appears to the Govt in C & to be an innovation, and would therefore not be in accordance with para 7 of the Govt of India's Resolution of 10 May 1861 which lays down that no restrictions are to be placed on the possession or acquisition of lands by Uncov'd Officers ..... beyond those now in force"

(From orders & Govt 15. 4/7)

Rules for holding of land by Uncov'd Civil Officers in British India (revision)

(From orders)

Still the inconvenience remains. Should we not discuss the whole question of Indian titles?

Rules relating to the holding of landed property by uncovenanted officers in civil employ

Part I. Possession and acquisition of landed property

1. 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 munsif, deputy collector, and tahsildar, should be filled by persons holding landed property within their jurisdiction.§

§ Despatch from Secretary of State, No. 22, dated 10th August 18[illegible]

Govt of I 8/7
letter in pc.
16 June '85 No 1380 Pub.

The proviso to the first clause seems to me inconsistent with the second clause. The second recognizes inexpediency, the proviso absolutely prohibits.
I take it that "hold" in the proviso should be "acquire." The first clause is not found in the despatch quoted, which on the contrary says that there are to be no restrictions on the possession or acquisition of lands by Uncov'd officers. Where did Govt get this rule from? As it stands it is nonsense. It surely not intended that an officer transferred to a district in which he holds land should divest himself of it. All that is required in Govt Order No. 2137 is that he shall declare his property in it.

Yes - It means either that an officer cannot be appointed to a district in which he holds land or that if he is to transferred he must get rid of it. LHG 25/6

(a) The term "district" in these above 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 dept of whatever rank

Munsifs

Officers of the Revenue dept
of above the rank of deputy
Collector

Officers of the Registration dept
of above the rank of Sub-Registrar

Officers of the Police department
of above the rank of Assistt
Superintendent

Officers of the Salt & Abkari
dept. of above the rank of
Inspector.

Officers of the Rev. Survey dept
of above the rank of Assistant
Supt.

Officers of the Rev Settlement
dept. of above the rank of
Assistt Director

1(b) In the case of other
than Officers exercising
independent judicial or
revenue functions, such as
Tahsildars, Sub-Magistrates,
Insprs of Police or Salem. Revenue
Officers, Assistt Inspr of Salt
& Abkari, Supts of Sea-Customs &c,
the term "district" shall be
taken to mean the whole of
the revenue district within
which such Officer exercises
for the time being any public
function

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

Note All Officers of the Ho. Serv. dept. are prohibited from acquiring a holding land within the limits of their charge whether that connection be permt. or temporary, without the previous sanction of the Govt. This prohibition does not extend to land acquired merely by building for residence their usual appurtenances (see 652 under Ho. Serv. Code)

2 When Govt. Servants or those specified become poss. of land, or an interest in land, within their districts by individual inheritance as members of a family, or are transf. to a district

Note

Whether Govt. Servants including Ho. Serv. officers will apparently not come within rule 1. But the case of the Ho. Serv. is provided for by sec 652 of the Ho. Serv. Code & it does not seem necessary to [illegible] provisions in the present rules, except to the extent to which the Govt. Servants may be specially exempted from the operation of the rule.

2 Govt. Servants specified in rule 1, who acquire land by inheritance, bequest, or otherwise, must report the fact to the District Officer, and obtain sanction to retain the land.

3 Govt. Servants specified in rule 1 who acquire land by purchase, bargain, mortgage, transfer or otherwise of any interest in landed property

4 All Govt. Servants & Judicial Officers in superior service are prohibited from purchasing directly or indirectly any kind of property, movable or immovable, at sales or

remarks on the previous sheet, it is submitted that the present rule will not affect persons of land in a district where the transfer of the Govt. Servants, but merely that the officer in question must obtain the sanction of the Govt. for such acquisition

This rule 2 is to be read with Rule 1

B.S.O. 42 of 1906 para 4.

Cf. Civil Regulations p. 171 rule 4.

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

account of forest dues or
under the orders of a Court
within the district in which
they are for the time being
employed

5th Large purchases of land
by Europeans 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

6 The prohibitions contained
in the above rules will not
be held to affect houses
or other buildings for residence
and their usual appurtenances

Govt. of India No. 30 Oct 1885 No 2530 Pub.

(eg. vegetable + fruit gardens),
on to public topes planted and
the tope-rules + But the cultiv-
-ation on lands held as
appurtenances to buildings
for residence, of cinchona, tea
+ other products which have
a commercial value, for pur-
-poses of profit (except so
far as prospective profit
may arise from an increase
of the probable value of the
estate owing to such cultivation)
is strictly prohibited, as is
also the sale, whether public
+ private, of any produce of
such lands

7 Previous sanction is
not necessary for the ac-
-quisitions of property not
forbidden under these
rules

Part II Management
"
of landed property
"

1. No Commr? Officer who may be in poss? of landed prop? in British India or elsewhere, & whatever branch of the service he may belong, shall apply any portion of the time and attention which ought to be devoted to his public duties to the management of such property; nor shall longer or more frequent leaves of absence than he would otherwise receive be allowed to him in order to attend to such property

2. The above rule applies also to the management

*Desp from Sec? of State No 22 d/ 10 Aug 1861 Para 6 of letter from Govt of India in Jud. 16 June 1865. No 1388 Rev

Letter from Govt of India d/ 11th Feb 1868 No 33 of 1868

of landed prop? held or administered by the wife or any Commr? Officer, or by any other member of his family living with or in any way dependent on him

Part III Declaration of
landed property

1. In addition to the special report required under rule 1 above, every Commr? Officer in Superior service shall submit to the Head of his Office not later than the 15th June of each year a statement of all land purchased or

Bom No 248 Para 7

otherwise acquired by him during the year preceding, whether within or without the district in which he is employed, with a declaration at foot duly signed by him of the effect that such statement, together with the statements previously submitted under this rule, truly represents all the landed property possessed by him or in which he is in any way interested in the district in which he is serving or elsewhere

Note 1. The declaration shall be in the following form

I, A.B., do solemnly declare that I do not at this time possess, either in my own name or in that of any other person, any land, or any beneficial interest in land other than that is entered in this return or in those previously submitted.

Note 2 Particulars of any landed property which an Officer may have become dispossessed during the year should also be entered in the annual return

11 The particulars required to be furnished under rule 10 should embrace all immovable property acquired or registered in the name of, or held or managed by, the wife of the officer making the statement, or by any other

number of his [illegible] being
[illegible] in any other way
dependent on him

The particulars regarding
[illegible] furnished
under rule 10 above shall,
in the case of Gazetted Officers,
be duly entered, year by year,
in the registers to be maintained
by the Head of each Dept concerned.
These registers shall be kept
in the form appended to these
rules

13/13 In the case of every other
than Gazetted Officer the particulars
furnished under rule 10
above shall be embodied in a
statement in similar form
which will be attached to
his service register, every
entry or alteration in such

attested by the Head of
his Office

14 Candidates for appts in
superior service under Govt must submit
a statement, in the same
form as that req^d to be in rules
12 & 13, giving particulars
of all landed property in
which they have an interest,
along with their applns
for appt, on pain of summary
rejection of such applns

15 Care should be taken
that deliberate entries in
the returns required under
these rules are not permitted
Any attempt to mislead

× experience in this respect,
and any failure to give
full × correct information,
will be punished by instant
× summary dismissal from
the public service

Wilson
14/6