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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

PUBLIC DEPARTMENT

G.O. No.	426-27	Press.
B.P. No.		Mis.
Dated	12 th June 1890	197 .

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Publication
12-6-90
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12TH JUNE 1890, Nos. 426, 427, PUBLIC.

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 paragraph 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 it 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 was stated to be a generally understood rule that Uncovenanted Judicial officers and Uncovenanted officers exercising independent revenue or magisterial functions shall 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 thus 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.)

J. F. PRICE,
Chief Secretary.

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.

Chief Secretary.

Bd. 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 immovable, 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.

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PART II.—MANAGEMENT OF LANDED PROPERTY.

9. The above rule applies also to the management of landed property held or administered by the wife of an uncovenanted officer, or by any other member of his family living with or in any other way dependent on him.

PART III.—DECLARATION OF LANDED PROPERTY.

This micrograph shows a fracture surface with a prominent diagonal crack line running from the upper left towards the lower right. The surface is highly textured and granular, typical of a fracture process.

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Gobt. of {1890} Madras.
PUBLIC.

Issued.

Recd.

Encl.

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 pro-
perty by Uncovenanted Officers.

FROM

C. J. LYALL, Esq., C.I.E.,

Offg. Secretary to the Government of India.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Public.

Calcutta, the 29th March 1890.

SIR,

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 18th 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 it 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 draw 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 was stated to be a generally understood rule that Uncovenanted Judicial Officers and Uncovenanted Officers, exercising independent revenue or magisterial functions, shall 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 thus 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

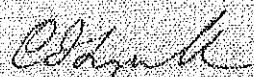
in which they hold lands. Candidates for this office have had ample warning that they should not acquire land in districts where they hope to be employed.

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.

I have the honour to be,

Sir,

Your most obedient Servant,



Offg. Secretary to the Government of India.

4/7/89 or 25 89

NOTE FOR

ag. S.A.

This file has just
come to me. but I
am unable for want
of time to do what is
necessary before it is
submitted to the Ct.

I have had the
two current proposals
print and the draft
rules as amended
in the previous proofs
printed as an appen-
dix, but they will
require looking
through again care-
fully. You will see
that I have made
a few alterations
(in pencil) in the
draft rules.

J.D.B.

29/4/90

6 pm

Received
J.D.B.

From

The Govt. of India
Home Dept.

729
R. 11 app. to
Encls. D. S. C.

Subject

Regarding the setting
up of a committee of
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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 it 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.

* Reported later as in the Extract. C. 1)

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 was stated to be a generally understood rule that Uncovenanted Judicial officers and Uncovenanted officers exercising independent revenue or magisterial functions shall 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 thus 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 14 April 1890, No. , Public.

His Excellency 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 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 88 to 86; Public Works Code, Chapter V, sections 651 to 653).

2. In paragraphs 5 and 6 of G.O., dated 15th December 1862, No. 2801, 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 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. They will be published in the Part II of the Madras Government Gazette for the general information and guidance.

(True Extract.)

Chief Secretary.

Copy for the Hon. Secy. to Govt.

APPENDIX.

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

I. No. Uncovenanted officer of any description, whether of European, Indo-British or Native descent, will be permitted to hold any landed or other immovable 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 assent of the head of his department, and in that of Gazetted officers, of Government.

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.

III. No Uncovenanted officer of any grade or rank will be permitted to purchase, directly or indirectly, within the district in which he is employed, any kind of property, movable or otherwise, at any sales on account of Government dues, or under the orders of a Court.

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, as well as of all such property in which he is prospectively interested, affixing to it a declaration that it is complete and correct. 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.

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 II and IV 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 and be attested by his signature.

* Generalised, 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 1886, No. 1006, and may be dispensed with in all cases except those of Tahsildars who may be appointed to a taluk in which they do not hold land, although they hold land in other taluks of the same district.

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.

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 longer or more frequent leaves^a 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.

^a *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 tope 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'ble. 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) and (xiii) in the Codes of the Financial Department.

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 holding landed property in British India, 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 to confer a considerable amount of power and influence on their occupants, such as those of District Munsif, Deputy Collector, and similar, should be filled by persons holding landed property within their jurisdiction.*

Paragraph 4 of Government of India letter in G.O., dated 18th June 1885, No. 1380, Public.

precluded from holding land, it is inexpedient to confer a considerable amount of power and influence on their occupants, such as those of District Munsif, Deputy Collector, and similar, should be filled by persons holding landed property within their jurisdiction.*

* Despatch from Secretary of State, No. 22, dated 10th August 1861.

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.

(b) In the case of other uncovenanted officers exercising independent Judicial or Revenue functions, such as Tahsildars, Station-house Officers, Assistant Inspectors 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.

* N.B.—Uncovenanted Medical, Jail, Education and Public Works officers will apparently not come within Rule 1. But the case of the Public Works men is provided for by Section 652 of the Public Works Code, and it does not seem necessary to put restrictions on the others.

Note.—All officers of the Public Works Department are prohibited from acquiring or holding land within the limits of their charge, whether the land be permanent or temporary, without the previous sanction of the Government. This prohibition does not extend to land occupied for residences and their outbuildings (Section 652, Madras Public Works Code.)

2. When uncovenanted servants as an interest in land, within their districts or family, or are transferred to districts, they must once communicate all particulars respecting the land to the authority by whom they are appointed.

3. The prohibition against holding land by purchase, bargain, mortgage, or otherwise, of any interest in landed property.

4. All uncovenanted Revenue and Judicial officers in superior service are prohibited from purchasing, directly or indirectly, any kind of property, moveable or immovable, at sales on account of Government or under the orders of a Court, while being employed.

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

Officers exercising independent Judicial or Revenue functions, whether of European, Eurasian or Native descent, are not debarred from acquiring or holding landed property in British India, 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 to confer a considerable amount of power and influence on their occupants, such as those of District Munsif, Deputy Collector, and similar, should be filled by persons holding landed property within their jurisdiction.*

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- 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.

(b) In the case of other uncovenanted officers exercising independent Judicial or Revenue functions, such as Tahsildars, Station-house Officers, Assistant Inspectors 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.

(c) Collectors' Sheristadars and Headclerks of District Courts, though exercising independent functions, shall, for the purposes of these rules, be treated as coming under rules 1 and 2.

are prohibited from acquiring or holding land within the limits of their charge, whether the land be permanent or temporary, without the previous sanction of the Government. This prohibition does not extend to land occupied for residences and their outbuildings (Section 652, Madras Public Works Code.)

specified become possessed of land, or of an interest in land, within their districts or family, or are transferred to districts, they must once communicate all particulars respecting the land to the authority by whom they are appointed.

Rule 1 extends also to the acquisition of any interest in landed property, whether by purchase, bargain, mortgage, or otherwise.

Officers in superior service are prohibited from purchasing, directly or indirectly, any kind of property, moveable or immovable, at sales on account of Government or under the orders of a Court, while being employed.

Officers, with a view to agricultural profit under the waste-land rules or otherwise, shall not in any case be permitted, even though the holding of such land is not excluded by the provisions of Rule 1.

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6. The prohibitions contained in Rule 1 will not 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 cultivation on lands held as appurtenances to buildings for residence, of cinchona, tea, or other products which have a commercial value, for purposes of profit (except so far as prospective profit may arise from an increase to the probable value of the estate owing to such cultivation) is strictly prohibited, as is also the sale, whether public or private, of any produce off such lands.

G.O., dated 30th October 1885, No. 2630, Public.

7. Previous sanction is not necessary for acquisitions of property not forbidden under these rules.

PART II.—MANAGEMENT OF LANDED PROPERTY.

8. No uncovenanted officer* who may be in possession of landed property in British India or elsewhere, to 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 that property; nor shall longer or more frequent leaves of absence than he would otherwise receive be allowed to him in order to tend to such property.

* Despatch from Secretary of State, No. 22, dated 14th August 1861.
Paragraph 6 of letter from Government of India, G.O., dated 16th June 1885, No. 1330, Public.

9. The above rule applies also to the management of landed property held or administered by the wife of an uncovenanted officer, or by any other member of his family living with or in any other way dependent on him.

Letter from Government of India, dated 11th September 1885, No. 23—2405.

PART III.—DECLARATION OF LANDED PROPERTY.

10. In addition to the special return required under Rule 2 above, every uncovenanted officer in superior service shall submit to the head of his office not later than the 15th January of each year a statement of all land purchased or otherwise acquired by him during the year preceding, whether within or without the district in which he is employed, with a declaration at the end of the statement, together with the statement, that such statement 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 should 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 official interest in land, other than what is entered in this return and in those previously submitted.

Note 2.—Particulars of any landed property of 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 immoveable property acquired or retained in the name of, or held or managed by, the wife of the officer making the statement, or by any other member of his family living with, or in any other way dependent on, him.

12. The particulars regarding landed property furnished under Rule 10 above shall, in the case of Gazetted officers, be duly entered, year by year, in registers to be maintained by the head of each department concerned. These registers shall be kept in the form appended to these rules.

13. In the case of every other uncovenanted officer, the particulars furnished under Rule 10 shall be embodied in a statement in similar form, which will be attached to his service register, every entry of which in such statement being duly attested by the head of his office.

14. Candidates for appointment in superior service under Government must submit a statement, in the same form as that referred to in Rules 12 and 13, giving particulars of all landed property in which they have an interest, along with their applications for appointment, on payment of a summary rejection of such applications.

15. Care should be taken that no false or misleading entries in the returns required under these rules are not permitted. Any attempt to mislead a superior in this respect, and any failure to give full and correct information, will be punished by instant and summary dismissal from the public service.

W. S. MEYER,
Asst. Secy. to Govt.

Register of Lands held by Uncovenanted Public Servants.

[illegible]

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following paper:—

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

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

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Public Department.

READ—also the following paper:—

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 1886, which gives a summary of the existing rules and orders regulating the connection of public servants with landholding 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.

READ—also the following paper:—

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 paragraph 5 of Home Department Circular letter, No. 21—797—806, dated the 13th May 1886.

Read the following paper:—

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.

(True Extract.)

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

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.

(True Extract.)

To the Departments of the Secretariat,
Heads of Departments under Public.

Ag. Chief Secretary.

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

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 dispose of such landed property on appointment to the district in which it 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.

12 June 1890, No. 42 G. PUBLIC.

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 was stated to be a generally understood rule that Uncovenanted Judicial officers and Uncovenanted officers exercising independent revenue or magisterial functions shall 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 thus been informed that restrictions of the nature set out in paragraph 4 of Home Department letter of 13th May 1855 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 1855, 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 12 June 1890, No. 42 G. PUBLIC.

His Excellency 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 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 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. They will be re-published in the Fort St. George and District Gazettes for general information and guidance.

(True Extract.)

Chief Secretary.

10 Affixed to G.O. No. 42 G. PUBLIC 12 June 1890 43 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.

Paragraph 4 of Government of India letter in G.O., dated 13th June 1860, No. 1230, Public.

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.*

* Despatch from Secretary of State, No. 37, dated 25th October 1860.

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.

2. Uncovenanted Medical, Jail, Education and Public Works officers will apparently not come within Rule 1. In the case of the Public Works Code, as provided for by Section 652 of the Public Works Code, and it does not seem necessary to put restrictions on the above.

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 (Section 652, Madras Public Works Code).

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. All Uncovenanted Revenue and Judicial officers in superior service are prohibited from purchasing, directly or indirectly, any kind of property, moveable or immovable, 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.

6. The prohibitions contained in Rule 1 will not 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 cultivation on lands held as appurtenances to build-

ings for residence, of cinchona, tea, or other products which have a commercial value, for purposes of profit (except so far as prospective profit may arise from an increase to the probable value of the estate owing to such cultivation) is strictly prohibited, as is also the sale, whether public or private, of any produce off such lands.

7. Previous sanction is not necessary for acquisitions of property not forbidden under these rules.

PART II.—MANAGEMENT OF LANDED PROPERTY.

8. No uncovenanted officer who may be in possession of landed property in British India or elsewhere, to 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 that pro-

* Despatch from Secretary of State, No. 22, dated 10th August 1861.
Paragraph 6 of letter from Government of India in G.O., dated 16th June 1863, No. 1330, Public.

erty; 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.

9. The above rule applies also to the management of landed property held or administered by the wife of an uncovenanted officer, or by any other member of his family living with or in any other way dependent on him.

Letter from Government of India, dated 11th September 1866, No. 23—2405.

PART III.—DECLARATION OF LANDED PROPERTY.

10. In addition to the special reports required under Rule 2 above, every uncovenanted officer in superior service shall submit to the head of his office not later than the 15th January of each year a statement of all land purchased or 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, to 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 should 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 what is entered in this return and in those previously submitted.

Note 2.—Particulars of any landed property of 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 immoveable 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 member of his family living with, or in any other way dependent on, him.

12. The particulars regarding landed property furnished under Rule 10 above shall, in the case of Gazetted officers, be duly entered, year by year, in registers to be maintained by the head of each department concerned. These registers shall be kept in the form appended to these rules.

13. In the case of every other uncovenanted officer, the particulars furnished under Rule 10 shall be embodied in a statement in similar form, which will be attached to his service register, every entry or alteration in such statement being duly attested by the head of his office.

14. Candidates for appointments in superior service under Government must submit a statement, in the same form as that referred to in Rules 12 and 13, giving particulars of all landed property in which they have an interest, along with their applications for appointment, on pain of summary rejection of such applications.

15. Care should be taken that delusive entries in the returns required under these rules are not permitted. Any attempt to mislead a superior in this respect, and any failure to give full and correct information, will be punished by instant and summary dismissal from the public service.

W. S. MEYER,
Asst. Secy. to Govt.

Register of Lands held by Unconvenanted Public Servants.

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12TH JUNE 1890, Nos. 426, 427, Public.

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 paragraph 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

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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.

7. Previous sanction is not necessary for acquisitions of property not forbidden under these rules.

PART III.—DESCRIPTION OF LANDED PROPERTY.

9. The above rule applies also to the management of landed property held or administered by the wife of an uncovenanted officer, or by any other member of his family living with or in any other way dependent on him.

10. In addition to the special reports required under Rule 2 above, every uncommissioned officer in superior service shall submit to the head of his office not later than the 15th January of each year a statement of all land purchased or 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, to 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.

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 what is entered in this return and in those previously submitted.

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 member of his family living with, or in any other way dependant on, him.

12. The particulars regarding landed property furnished under Rule 10 above shall, in the case of Gazetted officers, be duly entered, year by year, in registers to be maintained by the head of each department concerned. These registers shall be kept in the form appended to these rules.

18. In the case of every other uncovenanted officer, the particulars furnished under Rule 10 shall be embodied in a statement in similar form, which will be attached to his service register, every entry or alteration in such statement being duly attested by the head of his office.

14. Candidates for appointments in superior service under Government must submit a statement, in the same form as that referred to in Rules 12 and 13, giving particulars of all landed property in which they have an interest, along with their applications for appointment, on pain of summary rejection of such applications.

15. Care should be taken that delusive entries in the returns required under these rules are not permitted. Any attempt to mislead a superior in this respect, and any failure to give full and correct information, will be punished by instant and summary dismissal from the public service.

Register of Lands held by Unconvenanted Public Servants.

Name of Unconveyed Public Servant.	Date of enlistment in the public service.	Office and department in which employed.	District and division in which land is situated.	Particulars regarding Landed Property.				When acquired, inherited, &c.	By what means and for what purpose acquired.	Nature of interest possessed by the officer concerned in such landed property.	Remarks.
				Nature of property, i.e., whether houses, lands, gardens, &c.	Extent.	Assessment.	In whose name registered.				
						RS.					

Issued.

Recd.

Encl.

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.

16TH JUNE 1885, No. 1330, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India (Home department—Public), to the Chief Secretary to Government, dated Simla, 13th May 1885, No. 21-797.

In the course of correspondence with a local Government, it has been brought to the notice of the Government of India that some misapprehension exists as to the precise scope and proper interpretation of the standing orders which regulate the connection of public servants with land-holding and commercial speculation in India. The Governor-General in Council accordingly considers it desirable, in continuation of Home department Resolution, Nos. 5—224-246, dated 20th February 1884, to frame, for facility of reference on the part of local Governments and Administrations and officers serving under them, a brief summary of the existing rules, and of the more important interpretations which have been placed upon certain of them by the Government of India with the approval of Her Majesty's Secretary of State.

2. Covenanted civil servants, military officers in civil employ, and all persons holding civil offices ordinarily held by covenanted or commissioned officers of the two

Acquisition and possession of landed property intended to be applied to agricultural purposes.

* To Secretary of State, No. 40, dated 16th June 1873; from Secretary of State, No. 90, dated 28th August 1873 (embodied in Home department Resolution, No. 13-467, dated 14th February 1874).

classes above mentioned are prohibited from acquiring or holding land within the province in which they are employed or with the administration of which they are concerned, whether that connection be permanent or temporary.* This prohibition does not extend to land occupied merely by buildings for residence and their usual appurtenances.

3. Natives of India appointed under the Statutory rules are permitted to hold any lands actually in their possession when they enter the service of Government, or

† i.e., *bona fide* gifts from relatives or near friends.

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 is, however, allowed on the part of a Statutory civil servant without the previous sanction of the local Government under which he is serving. ‡

‡ Home Department Resolution, Nos. 11—426-97, dated 17th March 1882; and Circular letter, Nos. 26—1093, 1101, dated 21st July 1882.

§ Despatch from Secretary of State, No. 68, dated 8th June 1882.

4. 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 16th August 1861.

5. Officers of all classes (including candidates for office) must be required to 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, of which registers should be kept by the local Governments concerned.*

* Despatch from Secretary of State, No. 22, dated 10th August 1861.

6. It is incumbent on the several local Governments to take care that no officer who may be in possession of landed property in British India or elsewhere, to 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, whether civil or military, to the management of that property, and that longer or more frequent leaves of absence are not permitted on that account.†

- *Idea.*

7. Civil servants and military officers in the actual service of the Crown in India are prohibited from holding lands in a Native State for any purpose whatever. This prohibition does not extend to land occupied merely by buildings for residence and their usual appurtenances.

Acquisition and possession of landed property in Native States for any purpose.

8. With regard to investments other than those in land for the profits of cultivation, officers of every rank and class in the public service 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.‡

Investments other than those in land for the profits of cultivation.

† Paragraph 4 of despatch from the Government of India to Secretary of State, No. 49, dated 16th June 1873; Despatch from Secretary of State, No. 99, dated 26th August 1873; and Home department Resolution, No. 13-167, dated 13th February 1874.

‡ The Secretary of State has held (a) that the standing orders as to the connection of Government officers with trading companies apply only to gazetted officers of the civil and military services, and do not apply in the case of clerks and other ministerial officers in Government employ, with regard to whom the supervision of heads of departments should suffice as a check.

§ N.D.—The right of officers, civil and military, to hold shares in agricultural companies operating in Native States, is regulated by the same rules as apply to their holding shares in similar companies within British territory.

Despatch from Secretary of State, No. 29, dated the 23rd November 1862, paragraph 3.

* Despatch from Secretary of State, No. 40, dated 31st May 1862.

† To Madras Government, No. 1086, dated 10th July 1861.

‡ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

§ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

¶ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

‡ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

§ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

¶ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

‡ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

§ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

¶ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

‡ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

§ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

¶ Despatch from Secretary of State, No. 73, dated 19th July 1863, paragraph 4.

consent of the Government of India, take service under Railway Companies working under concessions from Government, nor does it apply to the management* of associations which are established *bona fide* for the purpose of mutual supply and not of trade and trade profit (provided in this latter case that the interests of Government do not suffer by the double employment of the officer concerned). Although the prohibition against taking part in the "management" of a company cannot, taken literally, be held to debar an officer from taking part as a promoter or as one of the applicants for registration in the Memorandum of Association, the Governor-General in Council has held that the danger against which the prohibition was aimed, namely, that of official influence being abused or official trust betrayed, is, under such circumstances, not much less than if the officer took part in the management after the company has been started. Government servants are therefore distinctly forbidden to take any part in the promotion or registration of companies.

* Despatch from Secretary of State, No. 73, dated 19th July 1863.

10. It is a standing order that servants of Government are required to abstain from speculative investments, but no literal definition has been laid down as to the stage at which, or circumstances under which, the holding of land or other valuable property becomes speculative. It is obviously speculative to secure a grant of land supposed to be auriferous with the object of disposing of it hereafter to companies. Habitual speculation by officials has been always held to be an evil; and the Government has reserved † to itself full power to deal stringently with the practice whenever it appears to prevail. The general distinction which exists between permanent and speculative investments is sufficiently described in the extract given in the margin ‡ from Home department letter to the Government of Bengal, No. 1495, dated 10th April 1873.

Speculation generally.

† Paragraph 7 of despatch to Secretary of State, No. 40, dated 16th June 1873.

‡ Despatch from Secretary of State, No. 99, dated 26th August 1873.

§ 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 purchases 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 remarks, whether his integrity or his application to his public duties is discredited and doubted, then he has given rise to a scandal with which the Government will have to deal.

11. The foregoing paragraphs contain a brief summary of the more important orders which have been issued from time to time on the subjects under notice, and the Governor-General in Council trusts that they will serve as a useful guide to local Governments and Administrations and to officers serving under them. It should, however, be understood that this summary merely embraces the more important orders, and does not profess to be exhaustive.

ORDER.—dated 16th June 1885, No. 1380, Public.

Communicated to the departments of the Secretariat.

(True Extract.)

M. HAMMICK,

Ag. Under Secy. to Govt.

To the Revenue department.

„ Public Works department.

„ Military department.

„ Heads of departments, under the Chief Secretary.

Exd. T. O'Connor.

Govt. of (1885) Madras.

PUBLIC.

Issued

Recd.

Encl.

G.O., 16th June 1885, No. 1380.

JUNE.

Holding of Lands, &c.

Communicating to the departments of the Secretariat, resolution of the Government of India circulating, for information and guidance, a summary of the rules which regulate the connection of public servants with land-holding and commercial speculation in India.

Public DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

18 , No.

Again G.O., dated

1870, No. 1, 26 Public

Current No.,

of 18 , dated

from

Current No.

of 18 , dated

from

C.S.

Order

With reference to rule 16 of the appendix to the above G.O. the Superintendent of the Press will forward to the Superintendents of Stationery a sufficiently large number of printed copies of the form provided therein.

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 Printing Provincial.

46
 5/1/91
 To the Supt. Govt Press.
 of Stationery
 Accountant General.

DEPARTMENT.

List showing the distribution of the Proceedings of Government,
 dated 12th June 1890. No. 426/27.

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 12/7/90

FINANCIAL

Accountant-General
Commissioner of Paper Currency

EDUCATIONAL

Director of Public Instruction
Commissioner for the Unconvenanted Civil Service Examinations

THE DISTRICT MAGISTRATE OF

- Anantapur
- North Arcot (Chittoor)
- South Arcot (Cuddalore)
- Bellary
- South Canara (Mangalore)
- Chingleput (Sailapet)
- Coimbatore
- Cuddapah
- Ganjam (Chatrapur)
- Godavari (Gogunula)
- Kistna (Masulipatam)
- Kurmoal
- Madura
- Malabar (Calicut)
- Nilgiris (Ootacamund)
- Nellore
- Salem
- Tanjore
- Tinnevely
- Trichinopoly
- Vizagapatam

DISTRICT AND SESSION JUDGE
OF

- North Arcot (Chittoor)
- South Arcot (Cuddalore)
- Bellary
- South Canara (Mangalore)
- Chingleput
- Coimbatore
- Cuddapah
- Ganjam (Berhampore)
- Godavari (Rajammundry)
- Kistna (Masulipatam)
- Kurmoal
- Madura
- North Malabar (Tellicherry)
- South Malabar (Calicut)
- Nellore
- Nilgiris (Ootacamund)
- Salem
- Tanjore (Tanjore)
- Tinnevely (Tinnevely)
- Trichinopoly
- Vizagapatam