

[7.]

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 4. 11. 90
No. 736/7.

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13-7-07

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2-9-21

When given for copying 30/10

[Despatch Abstract].

*Re landholding by
District Munsiffs and
Sheristadars.*

FURTHER PAPER, No.

3704

OF 1890

476 of 91.
490 of 11READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

A = Copy in full.
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Gents of Indian, Home Dept.

Depd 57/11/90

A A

to the Government of

High Court of Judicature
Madras, 19 September,No. 2236.
FromH. W. Foster Esquire,
Offg. Registrar of the
High Court of Judicature
Appellate Side,
Madras.

To

The Honorable J. F. Price,
Chief Secretary to Government,
Fort Saint George.

Sir,

In acknowledging receipt of G.O. dated 12th June 1890, Nos 426 and 427, Public, I am directed to point out that the rules hitherto in force prohibited District Munsifs from holding landed property only within their local jurisdiction and the effect of the extension of the Rule which is brought about by the definition of the term "District" in Rule 1(a) of Part I of Appendix to the G.O. under acknowledgment is that many of them, since they hold land in the Revenue Districts in which their Courts are located, are disqualified for holding their present appointments and, unless the rule is disregarded in their cases, will have to be removed to other Districts. These changes will necessarily result in the appointment in certain districts, such as South Canara and Malabar, of persons unacquainted not only with the peculiar customs, but also with the languages of such districts, in lieu of those well-acquainted with both, and

and other inconvenient consequences.

2. There has been no express prohibition hitherto in the case of District Court Sheristadars as to holding of lands, and it is therefore probable that several, if not all, of them possess landed property in the districts in which they are employed. As the new rule 1(c) of Part I of the said Appendix prohibits their holding lands within such districts, they also have become ineligible to continue in their present offices and will likewise have to be transferred to other districts greatly to the detriment of the public service for the reasons stated in the case of District Munsifs.

3. As District Court Sheristadars exercise no independent authority, either judicial or executive, and always work under the immediate superintendence of District Judges, there does not appear to the High Court, to be any necessity for extending the rules to officers of this class and the Honorable the Judges are not aware of any circumstances which make it desirable to widen the rule hitherto in force in the case of District Munsifs. An endeavour to secure strict observance of the rules by transfers of the officers who have, in virtue of the recent amendments, been placed for the first time in the position of transgressors of the rules, will certainly be productive of very great administrative inconvenience. I am, therefore, directed to request that Government will be

pleased to move the Government of India to exclude District Court Sheristadars from the category of officers - subject to the rules and as regards District Munsifs to narrow the rules to their former scope.

I have the honor to be,

Sir,

Your most obedient servant,

(Signature)

Offg Registrar

Judicial {1890} Department.

No. 736-37 of 4-11-90

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
APPELLATE SIDE.
21 SEP 90
CIVIL MENTO

Dated 19 September 1890.
Received

No. 2236.
Enc

Requesting that Govt. of India may be moved to exclude Dist. Court Sheristadars from the operation of the rules relating to holding of lands &c. and to narrow them to their former scope in the case of Dist. Munsiffs.

If the rules are intended to be applied to Dist. Munsiffs who have similar offices - then for all other classes of public servants - The Dist. Munsiff is a public servant. It is not the intention of the Govt. of India with the recommendation that this rule may be held in abeyance in the case of Dist. Munsiffs while they are in the service of the Govt. of India. The Dist. Munsiff is a public servant. It is not the intention of the Govt. of India with the recommendation that this rule may be held in abeyance in the case of Dist. Munsiffs while they are in the service of the Govt. of India.

13/6/90

care.

I doubt if all other classes are in the same position as the Dist. Munsiffs. I believe Dist. Court Sheristadars were prohibited from holding land in their district before the rules were consolidated. The para (c) of the Rules relates to Sheristadars of District Courts (not to Dist. Munsiffs' Sheristadars) and I think they should be under

For orders.

The previous ruling ^{by the} ~~secret~~ the holding of land by District Munsiffs will be found at page 168 of the volume of Rules & Standing Orders in the file. It was that ^{a Dist. Munsiff} ~~the~~ should not "hold or acquire lands within the limits of the District over which he presides". Attention is invited to the original notes in G.O. 581 of 6.7.89 in which the definition of the term "district" as the whole of the Revenue District was suggested and approved. From the same notes it will be seen that the addition of "Sheristadars of District Courts" was made by the then Asst Secy. & approved by Hon. Members ^{the object being} to place them on the same footing as collectors' Sheristadars.

The High Ct. seems to show sufficient reason for the

amendment

20/9/90

60c.

same prohibition as Comptroller
Pharisindan. Application may
be made to India for the relaxation
of rules in the case of present
incumbents of the offices of District
Munsiff and Sheristadar of District
Courts.

14/10

Holding of lands by District
Munsiff and District Court
Sheristadar.

Secretary to Govt. of India

For the Govt.
H.E. the Governor

Public Dept.

From the Registrar of the
High Court, Appellate Side,
No. 2236 of 19.9.90.

Order. 4 Nov. 90. No. 736.

The Govt. of India
will be asked to relax
the rules in the case of
present incumbents
of the offices of District
Munsiff and Sheristadar
of District Courts.

To the Hon. the C.J.
(with C.F.)

Letter 24 Nov. 90. No. 737.

To the Govt. of India
Home Dept.

Sir,

I am directed to for-
ward a copy of a letter
from the Hon. the
Judges of the Madras
High Court and to recom-
mend that, in view
of the circumstances
therein represented,
sanction may be ac-
corded to the relaxation

DESPATCHED
5 NOV 90
IN M.S.

No. 2236 of 19.9.90

C. 7/10 C. 16/10
R. 10/10 R. 18/10

*
of the rules relating to
landholding by officers
of the Uncovered
Service in the case of
present incumbents
of the offices of District
Munsiff and Sheristad-
dar of District Courts.

*
Printed as an appendix to
G.O. No. 426 & 12-6-90 copy of which
was for? under No. 427.

Landholding by
Munsiff and Sheristad-
dar

*
2206

Howell, Caroline
Howell, Caroline

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2017

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C.24/10
R.27/10