

ORDINARY, PRINTED.

Public DEPARTMENT.
G.O., DATED 21-1-91
No. 5: 54/55.

First copy sent to Press.

Returned for signature.

Despatched in print. 30/1/91

[Despatch Abstract.]

Laid-holding

Directing that in the
case of District Munsiffs
the term "District" in the
rules re _____ by
unincorporated Officers
shall mean "Munsifi"
& that certain rules shall
apply to both the present &
future incumbents of the
office of Sheristadar of a
District Court.

BACK PAPER, No.

OF 18

RECEIVED ORDER OF GOVERNMENT, DATED
18th No. 7377

FURTHER PAPER, No.

OF 18

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER, &c., OF GOVERNMENT—A.

PAGES KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL
(not paged).

NUMBER OF COPIES
REQUIRED.

Order complete.

Letter only.

Order complete with Letter.

N.B.—

A = Print in full.

B = Not to be printed.

P = Print abstract only.

Q = Print heading only.

R = Print, but not for monthly volume.

21ST JANUARY 1891, Nos. 54, 55, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following paper :—

G.O., dated 4th November 1890, Nos. 736, 737, Public.

ABSTRACT.—Requesting the Government of India to relax the rules relating to land-holding by officers of the Uncovenanted Service in the case of present incumbents of the offices of District Munsif and District Court Sheristadars.

READ—also the following paper :—

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Calcutta, 11th December 1890, No. 2429.

I am directed to acknowledge the receipt of your letter, No. 737, dated the 4th ultimo, forwarding a letter from the High Court on the subject of the relaxation of the rules relating to land-holding by officers of the Uncovenanted Service in the case of District Munsifs and Sheristadars of District Courts.

2. It is represented that, under the old rules on the subject, District Munsifs were prohibited from holding landed property only within their local jurisdiction. In the new rules the term "district" is defined so as to include the whole of the revenue district within which the officer exercises for the time being any public function; and the effect of the new rules is that many Munsifs holding land in the revenue district in which their courts are located are disqualified from continuing in their present appointments and must be removed to other districts to the detriment of the public service, although the land they hold is not situated within their local jurisdiction. It is further represented that District Court Sheristadars are also, under the new rules, debarred from serving in districts in which they hold landed property, but inasmuch as they exercise no independent judicial or executive authority and always work under the immediate superintendence of District Judges, there appears to the High Court to be no necessity for extending the rules to them. In these circumstances the Honorable Judges of the Court recommend that Sheristadars should be excluded from the category of officers subject to the rules, and that the rules should be narrowed in their application to District Munsifs to their former scope. The Government of Madras propose that the rules should be relaxed only in the case of present incumbents, both Munsifs and Sheristadars.

3. In reply I am to say that the Government of India recognize that the difficulty in the case of District Munsifs is a real one, and have no objection to the term "district" being restricted to the limits of their Munsifi jurisdiction, either absolutely, or for present incumbents, or in particular districts, as the Governor in Council may think fit. It will be seen that the High Court's objection applies with as much force to future as to existing appointments, and perhaps it will be found necessary to make a special rule for the two exceptional districts, Malabar and Canara. It appears, however, to the Governor-General in Council that Rule 1 (c) of the rules forwarded with Mr. Price's endorsement, No. 427, of 12th June last, relating to Sheristadars (which was issued by the Madras Government of its own motion, the Government of

India rule relating only to "Uncovenanted Officers exercising independent judicial or revenue functions"), is a good one, and that it is not desirable that it should be altogether abrogated. With this expression of opinion the Governor-General in Council leaves it to the Government of Madras to make such modification in the rules as they may think proper. I am to request that a copy of the order sanctioning any changes may be forwarded for the information of the Government of India.

ORDER—dated 21st January 1891, No. 54, Public.

With reference to paragraph 3 of the foregoing letter from the Government of India, His Excellency the Governor in Council is pleased to direct that in the case of District Munsifs the term "district" in

* Published as an Appendix to G.O., No. 426, the Rules * relating to the holding of landed property by Uncovenanted officers in civil employ shall mean "Munsifi," and

† *Vide* Rules 1, 1 (a) and 1 (c).

further that the Rules† referred to shall apply to both present and future incumbents of the office of Sheristadar of a District Court.

(True Extract.)

Chief Secretary.

To the Honorable the Chief Justice (with C.L.).
 „ all District Magistrates.
 „ the Judicial Department.

ENDORSEMENT—dated 21st January 1891, No. 55, Public.

Copy to the Secretary to the Government of India, Home Department, in compliance with the request conveyed in the last sentence of his letter, No. 2429, dated 11th December 1890, for the information of the Government of India.

J. F. PRICE,
Chief Secretary.

Gobt. of {1891} Madras.
PUBLIC.

Issued

Rcd.

Encl.

G.O., &c., 21st January 1891,
Nos. 54, 55.

JANUARY.

Land-holding.

Directing that in the case of District Munsifs the term "District" in the rules regarding — by Uncovenanted officers shall mean "Munsifi," and that certain rules shall apply to both present and future incumbents of the office of Sheristadar of a District Court.

Dub Ep N. 5-4

of 21st January 1891.

The Collectors of

The District Magistrates of

Desp'd 30/1/91.

Anantapur. 8
North Arcot, Chittoor. 8
South Arcot, Cuddalore. 8
Bellary. 8
South Canara, Mangalore. 8
Chingleput, Saidapet. 8
Coimbatore. 8
Cuddapah. 8
Ganjam, Chatrapur. 8
Godavari, Cocanada. 8
Kistna, Masulipatam. 8
Kurnool. 8
Madras (when necessary).
Madura. 8
Malabar, Calicut. 10
Nilgiris, Ootacamund. 8
Nellore. 8
Salem. 8
Tanjore. 9
Tinnevely. 8
Trichinopoly. 8
Vizagapatam. 8

of a District Court.
(From orders)

Land holding Rules

To the Hon: the Ch. Justice

(with C. J. J.)
All District Magistrates 171
The Judicial Dept. 1

Desp'd
30/1/91.

No. 55 } Desp'd 30/1/91.

Hon. Mr. Justice

Copy to the Secy. to
the G. of I. Home Dept
in compliance with
the request conveyed
in the last sentence
of his letter No. 2429, of
11.12.90, for the inform-
ation of the G. of India.

J. O. B.
12/1/91.

Papers to be read in Proceedings:—

Again G.O., dated 4 Nov: 1890, No. 736/7.

Again G.O., dated 18, No.

Current No. of 18, dated from

Current No. 3704 of 1890, dated 11 Dec. from The Govt of India.

Order. 21st Jan. 91 No. 54.
Print.

With reference to para. 3 of the foregoing letter from the G. of I. H. E. the Govr. in Council is pleased to direct that in the case of District Munsiffs the term "district" in the Rules relating to the holding of landed property by uncovenanted officers in civil employ shall mean "Munsifi", and further that the Rules referred to shall apply to both present and future incumbents of the office of Sherikas

Sub.
17 Jan

* Published as an appendix to G.O. No. 426 of 12.6.90.

* vide Rules 1, 1(a), & 1(c).

C. 20/12	C. 6/11	C. 16/1
Retd.	Retd.	Retd.

50
21-1-91

Public C. 3704

I would not, from any point, exempt future incumbents.

MS.
20/12/90

I don't think it will do any harm & it will avoid difficulties in the case of Malabar & P. Canara. The suggestion in the note seems to me good.

JG
21/12

Understand the Hon. Mr. Blin mean that he is only satisfied the meaning of the word 'district' is in the case of present incumbents exempted from the operation of Rule 1(c) which will be held to be applicable to all future appointments or transfers.

27/12/90

Understand the Hon. Mr. Blin mean that

I think Mr. Blin meant that the rules should apply to both present & future incumbents and I see no reason for any difference so far as this goes. Let 'district' mean 'munsifi' in the case of Dist. Muffs. Let the rule apply to Court Sheristadars present & future. The rules are not new, and there are many officers who might as well be exempted as Court Sheristadars. I would cancel the rules altogether, if I could, but that is not possible.

It is suggested that in regard to District Munsiffs the term "district" be ~~be limited~~ restricted to the limits of their Munsifi jurisdiction for present and future incumbents alike; and that present incumbents only of the office of Sheristadar of District Courts be exempted from the operation of Rule 1(c) which will be held to be applicable to all future appointments or transfers.

For orders.

19 Dec

20 B.
18/12/11
7/1/91
9/1

C No 3704

No. 429

FROM

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

Secretary to the Government of India.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Public.

Calcutta, the 11 December 1890.

SIR,

I AM directed to acknowledge the receipt of your letter No. 737, dated the 4th ultimo, forwarding a letter from the High Court on the subject of the relaxation of the rules relating to land-holding by officers of the Uncovenanted Service in the case of District Munsifs and Sheristadars of District Courts.

2. It is represented that under the old rules on the subject, District Munsifs were prohibited from holding landed property only within their local jurisdiction. In the new rules the term 'district' is defined so as to include the whole of the revenue district within which the officer exercises for the time being any public function; and the effect of the new rules is that many Munsifs holding land in the revenue district in which their Courts are located are disqualified from continuing in their present appointments and must be removed to other districts to the detriment of the public service, although the land they hold is not situated within their local jurisdiction. It is further represented that District Court Sheristadars are also, under the new rules, debarred from serving in districts in which they hold landed property, but inasmuch as they exercise no independent judicial or executive authority and always work under the immediate superintendence of District Judges, there appears to the High Court to be no necessity for extending the rules to them. In these circumstances the Honourable Judges of the Court recommend that Sheristadars should be excluded from the category of officers subject to the rules, and that the rules should be narrowed in their application to District Munsifs to their former scope. The Government of Madras propose that the rules should be relaxed only in the case of present incumbents, both Munsifs and Sheristadars.

3. In reply I am to say that the Government of India recognize that the difficulty in the case of District Munsifs is a real one, and have no objection to the term 'district' being restricted to the limits of their Munsifi jurisdiction, either absolutely, or for present incumbents, or in particular districts, as the Governor in Council may think fit. It will be seen that the High Court's objection applies with as much force to future as to existing appointments, and perhaps it will be found necessary to make a special rule for the two exceptional Districts, Malabar and Canara. It appears, however, to the Governor General in Council that Rule 1 (c) of the rules forwarded with Mr. Price's endorsement No. 427 of 12th June last, relating to Sheristadars (which was issued by the Madras Government of its own motion, the Government of India rule relating only to "Uncovenanted Officers exercising independent judicial or revenue functions") is a good one and that it is not desirable that it should be altogether abrogated. With this expression of opinion the Governor General in Council leaves it to the Government of Madras to make such modification in the rules as they may think proper. I am to request that a copy of the order sanctioning any changes may be forwarded for the information of the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

C. J. Lyall

Secretary to the Government of India.

Publ. C^t 3704.

Publ. C^t 3704

From,

The Gov^t of India.

Home Dept.

No 2429.

Dated 11th } Dec 190
Recd 17th }

J. L. Cooper

Authorizing this Gov^t
to modify the rules relating to
landholding by Unincorporated
Officers in the case of J^r Municipal

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we

Ca

that is not possible.